

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION

May 22, 2023

TO: Honorable Dan Patrick, Lieutenant Governor, Senate

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: SB1518 by King (Relating to the establishment of a terrorist offender registry and to the supervision of those terrorist offenders; creating criminal offenses related to terrorism.), **As Passed 2nd House**

Estimated Two-year Net Impact to General Revenue Related Funds for SB1518, As Passed 2nd House : a negative impact of (\$5,132,652) through the biennium ending August 31, 2025.

There may be additional fiscal impacts related to criminal offenses involving terrorism that cannot be determined at this time due to a lack of data to estimate the prevalence of conduct outlined in the bill's provisions that would be subject to criminal penalties.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five- Year Impact:

<i>Fiscal Year</i>	<i>Probable Net Positive/(Negative) Impact to General Revenue Related Funds</i>
2024	(\$3,645,943)
2025	(\$1,486,709)
2026	(\$2,087,822)
2027	(\$2,088,947)
2028	(\$2,090,084)

All Funds, Five-Year Impact:

<i>Fiscal Year</i>	<i>Probable (Cost) from General Revenue Fund 1</i>	<i>Change in Number of State Employees from FY 2023</i>
2024	(\$3,645,943)	12.5
2025	(\$1,486,709)	12.5
2026	(\$2,087,822)	12.5
2027	(\$2,088,947)	12.5
2028	(\$2,090,084)	12.5

Fiscal Analysis

The bill would amend the Code of Criminal Procedure to require the Department of Public Safety (DPS) to establish and maintain a computerized Terrorist Offender Registration Program containing certain information on individuals who are required to register as terrorist offenders.

The bill would create the felony offense of failure to comply with the registration requirement of the Terrorist Offender Registration Program and would create felony offenses relating to committing, conspiring to commit, aiding in committing, or hindering the prosecution of terrorism.

The bill would take effect September 1, 2023.

Methodology

According to DPS, a Terrorist Offender Registry would be similar in scope to the Sex Offender Registry and contain the information required under the provisions of the bill, including driver's license and/or identification card photos. This analysis assumes the agency would require funding for programming costs and additional FTEs to create, operate, and maintain the registry.

Onetime programming and technology costs would total \$2,220,000 in fiscal year 2024, including \$2,000,000 to contract with a third-party vendor to procure and implement the new registry, \$100,000 to update the Texas Law Enforcement Telecommunications System, and \$120,000 to create a new transaction type for the fingerprint matching system.

Based on information provided by DPS, the agency would require an additional 12.5 FTE positions to operate and maintain the registry, including 1.0 Manager position, 1.0 Program Supervisor, 3.5 Program Specialists, 4.0 Investigators, 2.0 Training and Development Specialists, and 1.0 Criminal Intelligence Analyst to implement the provisions of the bill. This analysis includes \$1,109,793 in fiscal year 2024 and \$1,169,459 in fiscal year 2025 for salary and benefits.

Other costs including consumable supplies, fuel, and travel expenses would total \$316,150 in fiscal year 2024 and \$317,250 in fiscal year 2025.

Creating a new criminal offense may result in an increase in demands upon state correctional resources due to a possible increase in the number of individuals placed under supervision in the community or sentenced to a term of confinement. The impact on state correctional populations or on the demand for state correctional resources cannot be determined due to a lack of data to estimate the prevalence of conduct outlined in the bill's provisions that would be subject to criminal penalties.

According to Office of Court Administration, creating a felony offense may result in increased demands on criminal district courts but the fiscal implications cannot be determined due the lack of data on the offenses created by the bill.

According to the Comptroller of Public Accounts, creating new criminal offenses could result in an increase in revenue due to court costs associated with a criminal offense, but the fiscal implications cannot be determined due the lack of data on the offenses created by the bill.

According to the Juvenile Justice Department and the Department of Criminal Justice, agency costs associated with the provisions of the bill could be accomplished utilizing existing resources.

Technology

According to DPS, programming and technology costs would total \$2,220,000 in fiscal year 2024, including \$2,000,000 to contract with a third-party vendor to procure and implement the new registry, \$100,000 to update the Texas Law Enforcement Telecommunications System, and \$120,000 to create a new transaction type for the fingerprint matching system. Annual maintenance and support costs would total \$600,000 each fiscal year beginning in fiscal year 2026.

Local Government Impact

While the fiscal impact to units of local government associated with criminal offenses cannot be determined, creating a new criminal offense may result in an increase in demands upon local correctional resources due to a possible increase in the number of individuals placed under supervision in the community or sentenced to a term of confinement.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 304 Comptroller of Public Accounts, 405 Department of Public Safety, 644 Juvenile Justice Department, 696 Department of Criminal Justice

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