

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

March 26, 2009

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: SB117 by Ellis (Relating to photograph and live lineup identification procedures in criminal cases.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would add Article 38.20 to Chapter 38, Code of Criminal Procedure, to require the Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE), in consultation with state and local law enforcement agencies, to develop, adopt, and disseminate to all state and local law enforcement agencies in the state a model policy and associated training materials regarding administration of photograph and live lineup identification procedures. Each law enforcement agency in the state would be required to adopt a detailed written policy regarding administration of photograph and live lineup identification procedures that conform to requirements established by TCLEOSE. The bill provides minimum requirements that must be included in identification procedures.

TCLEOSE would be required to meet requirements of the bill by March 1, 2010, and law enforcement agencies would be required to meet requirements placed on them by September 1, 2010. However, the bill would apply to any photograph or live lineup identification procedure conducted on or after the effective date of the bill, which would be September 1, 2009.

Based on analysis by the Department of Public Safety and TCLEOSE, any costs to their agencies associated with implementing provisions of the bill could be absorbed within existing resources.

Local Government Impact

The fiscal impact to a local law enforcement agency would depend on what procedures are currently in place and how similar those already are to those imposed by provisions of the bill. For example, the Travis County Sheriff's Office and the Fort Bend County Sheriff's Office both report the procedures required in the bill are similar to their existing procedures and therefore, there would be little or no fiscal impact. The City of Abilene Police Department, however, anticipates that implementing provisions of the bill could result in increased operational costs of approximately \$60,000 in fiscal year 2010, growing to \$72,930 by fiscal year 2014, as well as \$20,000 to \$25,000 capital outlay in fiscal years 2010 and 2013; however, these additional costs are not significant in relation to the department's overall budget.

Source Agencies: 405 Department of Public Safety, 407 Commission on Law Enforcement Officer Standards and Education

LBB Staff: JOB, DB, ESi