

SENATE AMENDMENTS

2nd Printing

By: Longoria, Thompson of Harris, Phillips,
Bonnen of Galveston, et al.

H.B. No. 12

A BILL TO BE ENTITLED

AN ACT

relating to the border prosecution unit.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 41, Government Code, is amended by adding Subchapter F to read as follows:

SUBCHAPTER F. BORDER PROSECUTION UNIT

Sec. 41.351. DEFINITIONS. In this subchapter:

(1) "Board of directors" means the board of directors of the unit.

(2) "Border crime" and "border region" have the meanings assigned by Section 772.0071.

(3) "Border prosecuting attorney" means a prosecuting attorney in a border region who represents the state in the prosecution of felony border crimes.

(4) "Executive board" means the executive board governing the board of directors of the unit.

(5) "Prosecuting attorney" means a district attorney, criminal district attorney, or county attorney with felony criminal jurisdiction.

(6) "Unit" means the border prosecution unit.

Sec. 41.352. GENERAL FUNCTION OF BORDER PROSECUTION UNIT.

The border prosecution unit is an independent unit that cooperates with and supports border prosecuting attorneys in prosecuting border crime.

1 Sec. 41.353. BOARD OF DIRECTORS. (a) The unit is governed
2 by a board of directors composed of the following prosecuting
3 attorneys:

4 (1) the district attorney for the 34th Judicial
5 District;

6 (2) the district attorney for the 38th Judicial
7 District;

8 (3) the district attorney for the 49th Judicial
9 District;

10 (4) the district attorney for the 63rd Judicial
11 District;

12 (5) the district attorney for the 79th Judicial
13 District;

14 (6) the district attorney for the 81st Judicial
15 District;

16 (7) the district attorney for the 83rd Judicial
17 District;

18 (8) the district attorney for the 112th Judicial
19 District;

20 (9) the district attorney for the 143rd Judicial
21 District;

22 (10) the district attorney for the 156th Judicial
23 District;

24 (11) the district attorney for the 229th Judicial
25 District;

26 (12) the district attorney for the 293rd Judicial
27 District;

1 (13) the district attorney for the 452nd Judicial
2 District;

3 (14) the criminal district attorney for Hidalgo
4 County;

5 (15) the county attorney with felony criminal
6 jurisdiction for Cameron County;

7 (16) the district attorney for Kleberg and Kenedy
8 Counties;

9 (17) the county attorney with felony criminal
10 jurisdiction for Willacy County; and

11 (18) any other prosecuting attorney who represents the
12 state in the prosecution of felonies for a judicial district that is
13 created by the legislature in the border region.

14 (b) A prosecuting attorney described by Subsection (a)
15 shall serve on the board of directors in addition to the other
16 duties of the prosecuting attorney assigned by law.

17 (c) The board of directors shall meet annually for the
18 purpose of electing the executive board and approving or amending
19 bylaws governing the unit.

20 (d) A majority of the members of the board of directors
21 constitutes a quorum for the transaction of business. The board of
22 directors must approve any action by a majority vote of the members
23 present.

24 (e) The board of directors shall divide the border region
25 into three subregions and shall set the boundaries of the
26 subregions as necessary.

27 (f) Each member of the board of directors shall enter into a

1 memorandum of understanding with the unit to collaborate and
2 cooperate in the prosecution of border crime.

3 Sec. 41.354. EXECUTIVE BOARD; DUTIES, AUTHORITY, AND
4 GOVERNANCE. (a) The board of directors is governed by an executive
5 board composed of seven members elected by the membership of the
6 board of directors, as follows:

7 (1) six members of the executive board shall be
8 elected to represent the subregions established under Section
9 41.353(e), with two members from each subregion elected by a
10 majority vote of the members of the board of directors whose
11 jurisdiction is located in that subregion; and

12 (2) one member of the executive board shall be elected
13 by a majority vote of all members of the board of directors.

14 (b) The board of directors shall establish procedures for
15 the election of the members of the executive board.

16 (c) Members of the executive board shall serve terms of two
17 years expiring January 1 of each odd-numbered year.

18 (d) If a vacancy on the executive board occurs before the
19 end of the vacating member's term, the executive board shall elect a
20 person to serve the remainder of the term. To be eligible for
21 election under this subsection, a person must meet any
22 qualifications required of the vacating member for service on the
23 executive board.

24 (e) The executive board shall conduct the business of the
25 unit.

26 (f) A majority of the members of the executive board
27 constitutes a quorum for the purpose of transacting business. The

1 executive board must approve any action by a majority vote of the
2 members present.

3 Sec. 41.355. OFFICERS. (a) The members of the board of
4 directors, on a majority vote, shall elect from among the
5 membership of the executive board a presiding officer and an
6 assistant presiding officer. The presiding officer serves as the
7 presiding officer of the board of directors and the executive
8 board, and the assistant presiding officer serves as the assistant
9 presiding officer of the board of directors and the executive
10 board.

11 (b) The presiding officer and the assistant presiding
12 officer serve terms of one year.

13 (c) The assistant presiding officer serves as presiding
14 officer of the board of directors and the executive board in the
15 presiding officer's absence or if a vacancy occurs in that office
16 until a new presiding officer is elected as provided by Subsection
17 (d).

18 (d) If a vacancy occurs in the office of presiding officer
19 or assistant presiding officer before the end of the vacating
20 officer's term, the executive board shall elect a person to serve
21 the remainder of the term.

22 Sec. 41.356. MEMBERSHIP ON BOARD OF DIRECTORS OR EXECUTIVE
23 BOARD NOT A CIVIL OFFICE OF EMOLUMENT. A position on the board of
24 directors or the executive board may not be construed to be a civil
25 office of emolument for any purpose, including those purposes
26 described in Section 40, Article XVI, Texas Constitution.

27 Sec. 41.357. REIMBURSEMENT FOR EXPENSES. A member of the

1 board of directors or executive board is not entitled to
2 compensation for service on the board of directors or executive
3 board, if applicable, but is entitled to be reimbursed for
4 necessary expenses incurred in carrying out the duties and
5 responsibilities of a member of the board of directors or the
6 executive board, if applicable, as provided by the General
7 Appropriations Act.

8 Sec. 41.358. UNIT ADMINISTRATOR; REGIONAL COUNSEL;
9 ADDITIONAL EMPLOYEES. (a) The executive board may employ a person
10 to serve as administrator of the unit and shall set the salary and
11 benefits of the administrator.

12 (b) The executive board shall employ one or more attorneys
13 as regional counsel for each subregion and shall set the salary and
14 benefits of each regional counsel.

15 (c) The executive board may employ additional employees
16 necessary for the discharge of the duties of the unit and shall
17 determine the compensation of those employees.

18 Sec. 41.359. DUTIES OF UNIT. (a) The unit, in
19 collaboration with the Department of Public Safety, shall assist
20 and support the members of the board of directors in the prosecution
21 of border crime, including by providing border prosecuting
22 attorneys, investigative and support staff, and other resources.

23 (b) The unit shall solicit requests for proposals from each
24 member of the board of directors to provide funding for the member
25 to employ one or more border prosecuting attorneys, to employ
26 investigative and support staff, and to provide other resources.
27 The unit shall review each request and make recommendations to the

1 criminal justice division of the governor's office regarding the
2 distribution of grant money under the prosecution of border crime
3 grant program established under Section 772.0071. A member of the
4 board who employs a border prosecuting attorney or investigative or
5 support staff shall set the salary and benefits of the attorney or
6 staff member.

7 (c) The unit may solicit requests for proposals from, and
8 make recommendations under Subsection (b) regarding the
9 distribution of grant money to, a prosecuting attorney who serves a
10 county or counties that are not located in the border region if the
11 Department of Public Safety determines that the county or counties
12 served by the attorney are significantly affected by border crime.

13 (d) The unit shall facilitate the coordination and
14 collaboration of the members of the board of directors with the
15 regional counsel employed by the unit and with other law
16 enforcement agencies, including the Department of Public Safety, in
17 the investigation and prosecution of border crime.

18 (e) The unit shall develop a nonexclusive list of offenses
19 not otherwise described by Section 772.0071(a)(1) that constitute
20 border crime to provide guidance and enhance uniformity in the
21 investigation and prosecution of border crime.

22 (f) The unit shall serve as a clearinghouse for information
23 related to the investigation and prosecution of border crime and
24 shall develop best practices and guidelines, including best
25 practices for the collection and protection of confidential law
26 enforcement information regarding each subregion.

27 (g) The unit shall assist in developing a training program

1 and providing training to prosecuting attorneys and law enforcement
2 agencies in the border region on specific issues and techniques
3 relating to the investigation and prosecution of border crime.

4 Sec. 41.360. DUTIES OF REGIONAL COUNSEL. (a) An attorney
5 employed as regional counsel for the unit shall assist the members
6 of the board of directors, border prosecuting attorneys, and other
7 regional counsel, as needed, in:

8 (1) the prosecution of border crime;

9 (2) the screening of cases involving border crime;

10 (3) the presenting of cases involving border crime to
11 a grand jury; and

12 (4) the preparation and trial of cases involving
13 border crime.

14 (b) The regional counsel shall serve as a liaison between
15 the members of the board of directors and other criminal justice
16 entities, including the Department of Public Safety and federal,
17 state, and local prosecutors and law enforcement agencies located
18 in the border region, by:

19 (1) working closely with those entities, as needed, to
20 coordinate and assist in the investigation and prosecution of
21 border crime; and

22 (2) attending multiagency task force hearings and
23 meetings held by federal, state, and local prosecutors and law
24 enforcement agencies on the investigation and prosecution of border
25 crime.

26 (c) The regional counsel shall provide legal and technical
27 assistance to law enforcement agencies investigating border crime,

1 including by:

2 (1) providing legal advice and recommendations
3 regarding Fourth Amendment search and seizure issues, relevant
4 statutes, and case law;

5 (2) drafting and reviewing affidavits requesting the
6 issuance of search warrants, wiretap orders, pen register and trap
7 and trace orders, mobile tracking device orders, and similar court
8 orders; and

9 (3) drafting requests for court orders authorizing:

10 (A) the interception of oral, wire, and
11 electronic communications;

12 (B) the installation and use of a pen register or
13 trap and trace device;

14 (C) the disclosure of subscriber or customer
15 records and information; and

16 (D) other similar court orders that are required
17 to be filed by a prosecutor.

18 (d) The regional counsel shall coordinate training with the
19 unit for members of the board of directors and law enforcement
20 agencies, including by:

21 (1) assisting in identifying training needs in the
22 subregion in which the member's office or the agency is located;

23 (2) assisting in the development of training curricula
24 and guidelines for the investigation and prosecution of border
25 crime; and

26 (3) participating in and hosting training
27 presentations and sessions in each subregion.

1 (e) The regional counsel shall provide legal and technical
2 assistance to border prosecuting attorneys, including by:

3 (1) performing legal research relating to
4 investigating and prosecuting border crime, if requested; and

5 (2) coordinating with border prosecuting attorneys
6 and law enforcement agencies to identify experts in the
7 investigation and prosecution of complex, long-term cases against
8 organized criminal enterprises.

9 Sec. 41.361. GIFTS AND GRANTS. The unit may apply for and
10 accept gifts, grants, and donations from any organization described
11 in Section 501(c)(3) or (4) of the Internal Revenue Code of 1986 for
12 the purposes of funding any activity of the unit under this
13 subchapter. The unit may apply for and accept grants under federal
14 and state programs.

15 SECTION 2. Sections 772.0071(a)(1) and (2), Government
16 Code, are amended to read as follows:

17 (1) "Border crime" means any crime that occurs in the
18 border region and that undermines public safety or security,
19 including an offense:

20 (A) during the prosecution of which an
21 affirmative finding may be requested under Section 3g(a)(2),
22 Article 42.12, Code of Criminal Procedure;

23 (B) under Chapter 19, 20, 20A, 21, 22, 46, or 71,
24 Penal Code;

25 (C) under Title 7 or 8, Penal Code;

26 (D) under Chapter 481, Health and Safety Code;

27 (E) committed by a person who is not a citizen or

1 national of the United States and is not lawfully present in the
2 United States; or

3 (F) that is coordinated with or related to
4 activities or crimes that occur or are committed in the United
5 Mexican States.

6 (2) "Border region" means the portion of this state
7 that is located in a county that:

8 (A) is adjacent to[+]

9 [~~(A)~~] an international border; [~~or~~]

10 (B) is adjacent to a county described by
11 Paragraph (A); or

12 (C) is served by a prosecuting attorney whose
13 jurisdiction includes a county described by Paragraph (A) or (B).

14 SECTION 3. Section 772.0071(d), Government Code, is
15 repealed.

16 SECTION 4. This Act takes effect September 1, 2015.

ADOPTED

as amended

MAY 26 2015

Leta Spaw
Secretary of the Senate

FLOOR AMENDMENT NO. 1

BY: *J. J. Ariz*

1 Amend H.B. No. 12 (senate committee printing) by striking all
2 below the enacting clause and substituting the following:

3 SECTION 1. Chapter 772, Government Code, is amended by
4 designating Sections 772.001, 772.002, 772.003, 772.004, 772.005,
5 772.006, 772.0061, 772.007, 772.0071, 772.008, 772.009, 772.010 as
6 reenacted and amended by Chapter 1215 (H.B. 925), Acts of the 79th
7 Legislature, Regular Session, 2005, 772.010 as added by Chapter 429
8 (S.B. 1136), Acts of the 76th Legislature, Regular Session, 1999,
9 772.010 as added by Chapter 1339 (H.B. 564), Acts of the 76th
10 Legislature, Regular Session, 1999, 772.0101, 772.0102, and
11 772.011 as Subchapter A and adding a subchapter heading to read as
12 follows:

13 SUBCHAPTER A. PLANNING ENTITIES

14 SECTION 2. Sections 772.0071(a)(1), (2), and (4),
15 Government Code, are amended to read as follows:

16 (1) "Border crime" means any crime involving
17 transnational criminal activity that ~~[occurs in the border region~~
18 ~~and that]~~ undermines public safety or security, including an
19 offense:

20 (A) during the prosecution of which an
21 affirmative finding may be requested under Section 3g(a)(2),
22 Article 42.12, Code of Criminal Procedure;

23 (B) under Chapter 19, 20, 20A, 21, 22, 46, 47, or
24 71, Penal Code;

25 (C) under Title 7 or 8, Penal Code;

26 (D) under Chapter 481, Health and Safety Code;

27 (E) committed by a person who is not a citizen or
28 national of the United States and is not lawfully present in the
29 United States; or

1 (F) that is coordinated with or related to
2 activities or crimes that occur or are committed in the United
3 Mexican States.

4 (2) "Border region" means the portion of this state
5 that is located in a county that:

6 (A) is adjacent to[+]

7 [~~(A)~~] an international border; [~~or~~]

8 (B) is adjacent to a county described by
9 Paragraph (A); or

10 (C) is served by a prosecuting attorney whose
11 jurisdiction includes a county described by Paragraph (A) or (B).

12 (4) "Eligible prosecuting attorney" means an attorney
13 [~~in a border region~~] who represents the state in the prosecution of
14 felonies and who:

15 (A) serves a county located in the border region;

16 or

17 (B) serves a county or counties that the criminal
18 justice division determines to be significantly affected by border
19 crime.

20 SECTION 3. Chapter 772, Government Code, is amended by
21 adding Subchapter B to read as follows:

22 SUBCHAPTER B. BORDER PROSECUTION UNIT

23 Sec. 772.051. DEFINITIONS. In this subchapter:

24 (1) "Border crime" and "border region" have the
25 meanings assigned by Section 772.0071.

26 (2) "Border prosecuting attorney" means a prosecuting
27 attorney in a border region who represents the state in the
28 prosecution of felony border crimes.

29 (3) "Criminal justice division" means the criminal
30 justice division established under Section 772.006.

31 (4) "Prosecuting attorney" means a district attorney,

1 criminal district attorney, or county attorney with felony criminal
2 jurisdiction.

3 (5) "Unit" means the border prosecution unit.

4 Sec. 772.052. GENERAL FUNCTION OF BORDER PROSECUTION UNIT.

5 The governor shall establish the border prosecution unit within the
6 criminal justice division to cooperate with and support members of
7 the unit in prosecuting border crime.

8 Sec. 772.053. MEMBERSHIP. (a) The unit is composed of the
9 following prosecuting attorneys:

10 (1) the district attorney for the 34th Judicial
11 District;

12 (2) the district attorney for the 38th Judicial
13 District;

14 (3) the district attorney for the 49th Judicial
15 District;

16 (4) the district attorney for the 63rd Judicial
17 District;

18 (5) the district attorney for the 79th Judicial
19 District;

20 (6) the district attorney for the 81st Judicial
21 District;

22 (7) the district attorney for the 83rd Judicial
23 District;

24 (8) the district attorney for the 112th Judicial
25 District;

26 (9) the district attorney for the 143rd Judicial
27 District;

28 (10) the district attorney for the 156th Judicial
29 District;

30 (11) the district attorney for the 229th Judicial
31 District;

1 (12) the district attorney for the 293rd Judicial
2 District;
3 (13) the district attorney for the 452nd Judicial
4 District;
5 (14) the criminal district attorney for Hidalgo
6 County;
7 (15) the county attorney with felony criminal
8 jurisdiction for Cameron County;
9 (16) the district attorney for Kleberg and Kenedy
10 Counties;
11 (17) the county attorney with felony criminal
12 jurisdiction for Willacy County; and
13 (18) any other prosecuting attorney who represents the
14 state in the prosecution of felonies for a judicial district that is
15 created by the legislature in the border region or who receives a
16 grant under the prosecution of border crime grant program
17 established under Section 772.0071.
18 (b) A prosecuting attorney described by Subsection (a)
19 shall serve on the unit in addition to the other duties of the
20 prosecuting attorney assigned by law.
21 (c) Each member of the unit shall enter into a memorandum of
22 understanding with the criminal justice division to collaborate and
23 cooperate in the prosecution of border crime.
24 Sec. 772.054. OFFICERS. (a) The unit, on a majority vote,
25 shall elect from among its membership a presiding officer and an
26 assistant presiding officer.
27 (b) The presiding officer and the assistant presiding
28 officer serve terms of one year.
29 (c) The assistant presiding officer serves as presiding
30 officer in the presiding officer's absence or if a vacancy occurs in
31 that office until a new presiding officer is elected as provided by

1 Subsection (d).

2 (d) If a vacancy occurs in the office of presiding officer
3 or assistant presiding officer before the end of the vacating
4 officer's term, the unit shall elect a person to serve the remainder
5 of the term.

6 Sec. 772.055. REIMBURSEMENT FOR EXPENSES. A member of the
7 unit is not entitled to compensation for service on the unit but is
8 entitled to be reimbursed for necessary expenses incurred in
9 carrying out the duties and responsibilities of a member of the unit
10 as provided by the General Appropriations Act.

11 Sec. 772.056. DUTIES OF UNIT. (a) The unit shall meet at
12 least once annually to provide the governor, the lieutenant
13 governor, the speaker of the house of representatives, and the
14 members of the legislature with information regarding:

15 (1) the status of border crime and its effect on
16 prosecutorial resources;

17 (2) the border crimes prosecuted by members of the
18 unit; and

19 (3) the number of border crimes that are committed by a
20 person who is not lawfully present in the United States.

21 (b) The unit shall advise the criminal justice division on:

22 (1) the allocation of grants under the prosecution of
23 border crime grant program established under Section 772.0071;

24 (2) the division of the border region into two or more
25 subregions for training purposes; and

26 (3) any additional prosecutorial needs of the border
27 prosecuting attorneys, including a need for the employment of
28 regional counsel described by Section 772.057 to assist with the
29 prosecution of border crimes.

30 (c) The unit shall facilitate the coordination and
31 collaboration of the border prosecuting attorneys with any regional

1 counsel described by Section 772.057 and with other law enforcement
2 agencies, including the Department of Public Safety, in the
3 investigation and prosecution of border crime.

4 (d) The unit shall develop a nonexclusive list of offenses
5 not otherwise described by Section 772.0071(a)(1) that constitute
6 border crime to provide guidance and enhance uniformity in the
7 investigation and prosecution of border crime.

8 (e) The unit shall serve as a clearinghouse for information
9 related to the investigation and prosecution of border crime and
10 shall develop best practices and guidelines, including best
11 practices for the collection and protection of confidential law
12 enforcement information.

13 (f) The unit shall assist in developing a training program
14 and providing training to members of the unit and law enforcement
15 agencies in the border region on specific issues and techniques
16 relating to the investigation and prosecution of border crime.

17 (g) The unit shall develop accountability and performance
18 measures for members of the unit who receive a grant under the
19 prosecution of border crime grant program established under Section
20 772.0071.

21 Sec. 772.057. DUTIES OF REGIONAL COUNSEL. (a) An attorney
22 employed by a border prosecuting attorney as regional counsel shall
23 assist the border prosecuting attorneys and other regional counsel,
24 as needed, in:

- 25 (1) the prosecution of border crime;
26 (2) the screening of cases involving border crime;
27 (3) the presenting of cases involving border crime to
28 a grand jury; and
29 (4) the preparation and trial of cases involving
30 border crime.

31 (b) The regional counsel shall serve as a liaison between

1 the unit and other criminal justice entities, including the
2 Department of Public Safety and federal, state, and local
3 prosecutors and law enforcement agencies located in the border
4 region, by:

5 (1) working closely with those entities, as needed, to
6 coordinate and assist in the investigation and prosecution of
7 border crime; and

8 (2) attending multiagency task force hearings and
9 meetings held by federal, state, and local prosecutors and law
10 enforcement agencies on the investigation and prosecution of border
11 crime.

12 (c) The regional counsel shall provide legal and technical
13 assistance to law enforcement agencies investigating border crime,
14 including by:

15 (1) providing legal advice and recommendations
16 regarding Fourth Amendment search and seizure issues, relevant
17 statutes, and case law;

18 (2) drafting and reviewing affidavits requesting the
19 issuance of search warrants, wiretap orders, pen register and trap
20 and trace orders, mobile tracking device orders, and similar court
21 orders; and

22 (3) drafting requests for court orders authorizing:

23 (A) the interception of oral, wire, and
24 electronic communications;

25 (B) the installation and use of a pen register or
26 trap and trace device;

27 (C) the disclosure of subscriber or customer
28 records and information; and

29 (D) other similar court orders that are required
30 to be filed by a prosecutor.

31 (d) The regional counsel shall coordinate training with the

1 unit for border prosecuting attorneys and law enforcement agencies,
2 including by:

3 (1) assisting in identifying training needs in the
4 county or subregion, if any is created, in which the border
5 prosecuting attorney's office or the agency is located;

6 (2) assisting in the development of training curricula
7 and guidelines for the investigation and prosecution of border
8 crime; and

9 (3) participating in and hosting training
10 presentations and sessions in each subregion, if any is created.

11 (e) The regional counsel shall provide legal and technical
12 assistance to border prosecuting attorneys, including by:

13 (1) performing legal research relating to
14 investigating and prosecuting border crime, if requested; and

15 (2) coordinating with border prosecuting attorneys
16 and law enforcement agencies to identify experts in the
17 investigation and prosecution of complex, long-term cases against
18 organized criminal enterprises.

19 Sec. 772.058. GIFTS AND GRANTS. The criminal justice
20 division may apply for and accept gifts, grants, and donations from
21 any organization described in Section 501(c)(3) or (4) of the
22 Internal Revenue Code of 1986 for the purposes of funding any
23 activity of the unit under this subchapter. The criminal justice
24 division may apply for and accept grants under federal and state
25 programs.

26 Sec. 772.059. EXPIRATION DATE. The unit is abolished and
27 this subchapter expires on August 31, 2019.

28 SECTION 4. Section 772.0071(d), Government Code, is
29 repealed.

30 SECTION 5. This Act takes effect September 1, 2015.

ADOPTED

MAY 26 2015

Patricia Saw
Secretary of the Senate

FLOOR AMENDMENT NO. 2

BY:

J. J. Aring

Amend the ^{Floor} amendment ^{#1} to H.B. No. 12 by striking the following language on page 8 lines 26-27 of the amendment:

Sec.772.059. EXPIRATION DATE. The unit is abolished and this subchapter expires on August 31, 2019.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

May 28, 2015

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB12 by Longoria (Relating to the border prosecution unit.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would amend the Government Code to establish a Border Prosecution Unit composed of certain prosecutors from the border region within the Criminal Justice Division (CJD) of the Office of the Governor. The Border Prosecution Unit would be required to meet annually and provide information related to border prosecutions. The Unit would be required to advise the CJD on the allocation of Border Prosecution Grants and the needs of border prosecuting attorneys including the need for employment of regional council, and facilitate collaboration with other law enforcement agencies. The bill would also require the Border Prosecution Unit to develop a non-exclusive list of offenses, serve as a clearinghouse of information, develop a training program for local law enforcement, and develop accountability and performance measures for grant recipients. The bill would take effect September 1, 2015.

The Office of the Governor, Department of Public Safety, Office of Court Administration and Comptroller of Public Accounts indicated that the duties and responsibilities associated with implementing the provisions of the bill could be accomplished within each agency's existing resources.

Local Government Impact

There may be costs to counties due to increased prosecution of border crimes; however, counties assume that such costs may be offset in an amount equivalent to any grant funding provided. Therefore, no significant impact is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 301 Office of the Governor, 304 Comptroller of Public Accounts, 405 Department of Public Safety

LBB Staff: UP, FR, EP, LBe, KVe

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

May 21, 2015

TO: Honorable Donna Campbell, Chair, Senate Committee on Veteran Affairs & Military Installations

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB12 by Longoria (Relating to the border prosecution unit.), **As Engrossed**

Estimated Two-year Net Impact to General Revenue Related Funds for HB12, As Engrossed: a negative impact of (\$2,970,000) through the biennium ending August 31, 2017.

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:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2016	(\$1,485,000)
2017	(\$1,485,000)
2018	(\$1,485,000)
2019	(\$1,485,000)
2020	(\$1,485,000)

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from General Revenue Fund
	1
2016	(\$1,485,000)
2017	(\$1,485,000)
2018	(\$1,485,000)
2019	(\$1,485,000)
2020	(\$1,485,000)

Fiscal Analysis

The bill would amend the Government Code to establish a Border Prosecution Unit composed of certain prosecutors from the border region and staffed by an administrator. The Border Prosecution Unit shall divide the border region into three sub-regions with one or more attorneys per sub-region, and additional employees as necessary. The Border Prosecution Unit would be

required to produce reports related to border prosecutions, serve as a clearing house of information, develop training materials and provide training to local law enforcement.

Under the bill provisions, the estimated fiscal impact would be \$1,485,000 in each fiscal year from 2016-2020. Costs include grants to support the Border Prosecution Unit and certain prosecutors from the border region.

Under the bill provisions, the unit would solicit requests for proposals from members of the Border Prosecution Unit's board for funding. The Border Prosecution Unit reviews the requests and issues recommendations to the Criminal Justice Division (CJD) of the Office of the Governor regarding grant from the Prosecution of Border Crime Grant Program. Funding would need to be available from the Prosecution of Border Crime Grant Program for the Border Prosecution Unit to fulfill the bill provisions. The bill does not require the Criminal Justice Division to fund the Unit's requests.

The bill would take effect September 1, 2015.

Methodology

In 2014, Border Prosecution Grants administered by the CJD were made to 17 eligible jurisdictions averaging \$130,000. The bill provisions would establish the new Border Prosecution Unit with CJD Border Prosecution Grant funding. LBB analysis assumes that the current grants to eligible entities for border prosecutions would be processed by the new Border Prosecution Unit.

The LBB estimates that the bill provisions would entitle the Board of Directors to some reimbursements for eligible costs estimated to be \$10,000 per year.

The LBB estimates that the bill provisions would require an administrator (1.0 FTE x \$80,000 = \$80,000), three contract specialists (3.0 FTEs x \$40,000 = \$120,000), and two training specialists (2.0 FTEs x \$37,500 = \$75,000) at the Border Prosecution Unit to produce reports related to border prosecutions, serve as a clearing house of information, develop training materials and provide training to local law enforcement.

The LBB estimates the three Regional Counsels would require staff to provide prosecutorial and investigative assistance consisting of two attorneys (6.0 FTEs x \$75,000 = \$450,000), two investigators (6.0 FTEs x \$40,000 = \$240,000), two legal assistants (6.0 FTEs x \$40,000 = \$240,000), other contract staff (\$210,000) and travel expenses (\$60,000) for all of the Regional Counsel Offices.

The Texas Association of Counties assumes additional costs will be offset by additional grants provided by the CJD.

Local Government Impact

The bill would result in savings to a county in an amount equivalent to the grant funding provided by the Office of the Governor's Criminal Justice Division for the purposes of the bill.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 301 Office of the Governor, 304 Comptroller of Public Accounts, 405 Department of Public Safety

LBB Staff: UP, FR, ESi, AI, JAW, KVe, EP, LBe, LCO

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

April 1, 2015

TO: Honorable Larry Phillips, Chair, House Committee on Homeland Security & Public Safety

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB12 by Longoria (Relating to the border prosecution unit.), **Committee Report 1st House, Substituted**

Estimated Two-year Net Impact to General Revenue Related Funds for HB12, Committee Report 1st House, Substituted: a negative impact of (\$2,970,000) through the biennium ending August 31, 2017.

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:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2016	(\$1,485,000)
2017	(\$1,485,000)
2018	(\$1,485,000)
2019	(\$1,485,000)
2020	(\$1,485,000)

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from General Revenue Fund
	1
2016	(\$1,485,000)
2017	(\$1,485,000)
2018	(\$1,485,000)
2019	(\$1,485,000)
2020	(\$1,485,000)

Fiscal Analysis

The bill would amend the Government Code to establish a Border Prosecution Unit composed of certain prosecutors from the border region and staffed by an administrator. The Border Prosecution Unit shall divide the border region into three sub-regions with one or more attorneys

per sub-region, and additional employees as necessary. The Border Prosecution Unit would be required to produce reports related to border prosecutions, serve as a clearing house of information, develop training materials and provide training to local law enforcement.

Under the bill provisions, the estimated fiscal impact would be \$1,485,000 in each fiscal year from 2016-2020. Costs include grants to support the Border Prosecution Unit and certain prosecutors from the border region.

Under the bill provisions, the unit would solicit requests for proposals from members of the Border Prosecution Unit's board for funding. The Border Prosecution Unit reviews the requests and issues recommendations to the Criminal Justice Division (CJD) of the Office of the Governor regarding grant from the Prosecution of Border Crime Grant Program. Funding would need to be available from the Prosecution of Border Crime Grant Program for the Border Prosecution Unit to fulfill the bill provisions. The bill does not require the Criminal Justice Division to fund the Unit's requests.

The bill would take effect September 1, 2015.

Methodology

In 2014, Border Prosecution Grants administered by the CJD were made to 17 eligible jurisdictions averaging \$130,000. The bill provisions would establish the new Border Prosecution Unit with CJD Border Prosecution Grant funding. LBB analysis assumes that the current grants to eligible entities for border prosecutions would be processed by the new Border Prosecution Unit.

The LBB estimates that the bill provisions would entitle the Board of Directors to some reimbursements for eligible costs estimated to be \$10,000 per year.

The LBB estimates that the bill provisions would require an administrator (1.0 FTE x \$80,000 = \$80,000), three contract specialists (3.0 FTEs x \$40,000 = \$120,000), and two training specialists (2.0 FTEs x \$37,500 = \$75,000) at the Border Prosecution Unit to produce reports related to border prosecutions, serve as a clearing house of information, develop training materials and provide training to local law enforcement.

The LBB estimates the three Regional Counsels would require staff to provide prosecutorial and investigative assistance consisting of two attorneys (6.0 FTEs x \$75,000 = \$450,000), two investigators (6.0 FTEs x \$40,000 = \$240,000), two legal assistants (6.0 FTEs x \$40,000 = \$240,000), other contract staff (\$210,000) and travel expenses (\$60,000) for all of the Regional Counsel Offices.

The Texas Association of Counties assumes additional costs will be offset by additional grants provided by the CJD.

Local Government Impact

The bill would result in savings to a county in an amount equivalent to the grant funding provided by the Office of the Governor's Criminal Justice Division for the purposes of the bill.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 301 Office of the Governor, 304 Comptroller of Public Accounts, 405 Department of

Public Safety

LBB Staff: UP, ESi, AI, JAW, KVe, EP, LBe, LCO

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

March 23, 2015

TO: Honorable Larry Phillips, Chair, House Committee on Homeland Security & Public Safety

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB12 by Longoria (Relating to the border prosecution unit.), **As Introduced**

The bill would require the state to reimburse counties located in the border region for certain expenses incurred in the investigation of border crime and operational expenses of the border prosecution unit. These operational expenses would include salaries for staff, including an administrator and an undetermined number of attorneys, as well as reimbursements for board members. Costs to state for operations of the border prosecution unit and for reimbursements to counties cannot be determined at this time. However, because the bill would allow the border prosecution unit to hire staff as needed, and would require the state to reimburse these costs, the potential cost to the state could be significant.

The bill would amend the Government Code to establish a Border Prosecution Unit, which would be staffed by an administrator, one or more attorneys per subregion, and additional employees as necessary. The bill would require the state to reimburse counties for expenses incurred for the investigation of border crime and for operational expenses of the unit, including training, prosecution and investigation expenses. The bill would require the commissioners court of a county that incurs these expenses to certify the amount of reimbursement to the Comptroller and would require the Comptroller to issue a warrant either in the amount the commissioners court requested, or in an amount that the Comptroller determines to be reasonable. The bill would take effect September 1, 2015.

Local Government Impact

Because the bill would require the state to reimburse the affected county for costs associated with implementing the provisions of the bill, the bill would result in savings to the affected county in an amount equivalent to the state reimbursement.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 301 Office of the Governor, 304 Comptroller of Public Accounts, 405 Department of Public Safety

LBB Staff: UP, ESi, EP, JAW, LBe, LCO