

Chapter 333

H.B. No. 11

AN ACT

relating to the powers and duties of the Texas Department of Public Safety, military and law enforcement training, and the investigation, prosecution, punishment, and prevention of certain offenses; creating an offense and increasing a criminal penalty; authorizing fees.

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

SECTION 1. Article 2.12, Code of Criminal Procedure, is amended to read as follows:

Art. 2.12. WHO ARE PEACE OFFICERS. The following are peace officers:

(1) sheriffs, their deputies, and those reserve deputies who hold a permanent peace officer license issued under Chapter 1701, Occupations Code;

(2) constables, deputy constables, and those reserve deputy constables who hold a permanent peace officer license issued under Chapter 1701, Occupations Code;

(3) marshals or police officers of an incorporated city, town, or village, and those reserve municipal police officers who hold a permanent peace officer license issued under Chapter 1701, Occupations Code;

(4) rangers, ~~and~~ officers, and members of the reserve officer corps commissioned by the Public Safety Commission and the Director of the Department of Public Safety;

1 (5) investigators of the district attorneys', criminal
2 district attorneys', and county attorneys' offices;

3 (6) law enforcement agents of the Texas Alcoholic
4 Beverage Commission;

5 (7) each member of an arson investigating unit
6 commissioned by a city, a county, or the state;

7 (8) officers commissioned under Section 37.081,
8 Education Code, or Subchapter E, Chapter 51, Education Code;

9 (9) officers commissioned by the General Services
10 Commission;

11 (10) law enforcement officers commissioned by the
12 Parks and Wildlife Commission;

13 (11) airport police officers commissioned by a city
14 with a population of more than 1.18 million located primarily in a
15 county with a population of 2 million or more that operates an
16 airport that serves commercial air carriers;

17 (12) airport security personnel commissioned as peace
18 officers by the governing body of any political subdivision of this
19 state, other than a city described by Subdivision (11), that
20 operates an airport that serves commercial air carriers;

21 (13) municipal park and recreational patrolmen and
22 security officers;

23 (14) security officers and investigators commissioned
24 as peace officers by the comptroller;

25 (15) officers commissioned by a water control and
26 improvement district under Section 49.216, Water Code;

27 (16) officers commissioned by a board of trustees

1 under Chapter 54, Transportation Code;

2 (17) investigators commissioned by the Texas Medical
3 Board;

4 (18) officers commissioned by:

5 (A) the board of managers of the Dallas County
6 Hospital District, the Tarrant County Hospital District, the Bexar
7 County Hospital District, or the El Paso County Hospital District
8 under Section 281.057, Health and Safety Code;

9 (B) the board of directors of the Ector County
10 Hospital District under Section 1024.117, Special District Local
11 Laws Code; and

12 (C) the board of directors of the Midland County
13 Hospital District of Midland County, Texas, under Section 1061.121,
14 Special District Local Laws Code;

15 (19) county park rangers commissioned under
16 Subchapter E, Chapter 351, Local Government Code;

17 (20) investigators employed by the Texas Racing
18 Commission;

19 (21) officers commissioned under Chapter 554,
20 Occupations Code;

21 (22) officers commissioned by the governing body of a
22 metropolitan rapid transit authority under Section 451.108,
23 Transportation Code, or by a regional transportation authority
24 under Section 452.110, Transportation Code;

25 (23) investigators commissioned by the attorney
26 general under Section 402.009, Government Code;

27 (24) security officers and investigators commissioned

1 as peace officers under Chapter 466, Government Code;

2 (25) [~~an officer employed by the Department of State~~
3 ~~Health Services under Section 431.2471, Health and Safety Code,~~

4 [~~26~~] officers appointed by an appellate court under
5 Subchapter F, Chapter 53, Government Code;

6 (26) [~~27~~] officers commissioned by the state fire
7 marshal under Chapter 417, Government Code;

8 (27) [~~28~~] an investigator commissioned by the
9 commissioner of insurance under Section 701.104, Insurance Code;

10 (28) [~~29~~] apprehension specialists and inspectors
11 general commissioned by the Texas Juvenile Justice Department as
12 officers under Sections 242.102 and 243.052, Human Resources Code;

13 (29) [~~30~~] officers appointed by the inspector
14 general of the Texas Department of Criminal Justice under Section
15 493.019, Government Code;

16 (30) [~~31~~] investigators commissioned by the Texas
17 Commission on Law Enforcement under Section 1701.160, Occupations
18 Code;

19 (31) [~~32~~] commission investigators commissioned by
20 the Texas Private Security Board under Section 1702.061
21 [~~1702.061(f)~~], Occupations Code;

22 (32) [~~33~~] the fire marshal and any officers,
23 inspectors, or investigators commissioned by an emergency services
24 district under Chapter 775, Health and Safety Code;

25 (33) [~~34~~] officers commissioned by the State Board
26 of Dental Examiners under Section 254.013, Occupations Code,
27 subject to the limitations imposed by that section;

1 (34) [~~(35)~~] investigators commissioned by the Texas
2 Juvenile Justice Department as officers under Section 221.011,
3 Human Resources Code; and

4 (35) [~~(36)~~] the fire marshal and any related officers,
5 inspectors, or investigators commissioned by a county under
6 Subchapter B, Chapter 352, Local Government Code.

7 SECTION 2. Section 4, Article 18.20, Code of Criminal
8 Procedure, is amended to read as follows:

9 Sec. 4. OFFENSES FOR WHICH INTERCEPTIONS MAY BE AUTHORIZED.
10 A judge of competent jurisdiction may issue an order authorizing
11 interception of wire, oral, or electronic communications only if
12 the prosecutor applying for the order shows probable cause to
13 believe that the interception will provide evidence of the
14 commission of:

15 (1) a felony under Section 19.02, 19.03, or 43.26,
16 Penal Code;

17 (2) a felony under:

18 (A) Chapter 481, Health and Safety Code, other
19 than felony possession of marihuana;

20 (B) Section 485.032, Health and Safety Code; or

21 (C) Chapter 483, Health and Safety Code;

22 (3) an offense under Section 20.03 or 20.04, Penal
23 Code;

24 (4) an offense under Chapter 20A, Penal Code;

25 (5) an offense under Chapter 34, Penal Code, if the
26 criminal activity giving rise to the proceeds involves the
27 commission of an offense under Title 5, Penal Code, or an offense

1 under federal law or the laws of another state containing elements
2 that are substantially similar to the elements of an offense under
3 Title 5;

4 (6) an offense under Section 38.11, Penal Code; ~~[or]~~

5 (7) an offense under Section 43.04 or 43.05, Penal
6 Code; or

7 (8) an attempt, conspiracy, or solicitation to commit
8 an offense listed in this section.

9 SECTION 3. Article 59.01(2), Code of Criminal Procedure, as
10 amended by Chapters 427 (S.B. 529) and 1357 (S.B. 1451), Acts of the
11 83rd Legislature, Regular Session, 2013, is reenacted and amended
12 to read as follows:

13 (2) "Contraband" means property of any nature,
14 including real, personal, tangible, or intangible, that is:

15 (A) used in the commission of:

16 (i) any first or second degree felony under
17 the Penal Code;

18 (ii) any felony under Section 15.031(b),
19 20.05, 20.06, 21.11, 38.04, or Chapter 43, 20A, 29, 30, 31, 32, 33,
20 33A, or 35, Penal Code;

21 (iii) any felony under The Securities Act
22 (Article 581-1 et seq., Vernon's Texas Civil Statutes); or

23 (iv) any offense under Chapter 49, Penal
24 Code, that is punishable as a felony of the third degree or state
25 jail felony, if the defendant has been previously convicted three
26 times of an offense under that chapter;

27 (B) used or intended to be used in the commission

1 of:

2 (i) any felony under Chapter 481, Health
3 and Safety Code (Texas Controlled Substances Act);

4 (ii) any felony under Chapter 483, Health
5 and Safety Code;

6 (iii) a felony under Chapter 151, Finance
7 Code;

8 (iv) any felony under Chapter 34, Penal
9 Code;

10 (v) a Class A misdemeanor under Subchapter
11 B, Chapter 365, Health and Safety Code, if the defendant has been
12 previously convicted twice of an offense under that subchapter;

13 (vi) any felony under Chapter 32, Human
14 Resources Code, or Chapter 31, 32, 35A, or 37, Penal Code, that
15 involves the state Medicaid program;

16 (vii) a Class B misdemeanor under Chapter
17 522, Business & Commerce Code;

18 (viii) a Class A misdemeanor under Section
19 306.051, Business & Commerce Code;

20 (ix) any offense under Section 42.10, Penal
21 Code;

22 (x) any offense under Section 46.06(a)(1)
23 or 46.14, Penal Code;

24 (xi) any offense under Chapter 71, Penal
25 Code;

26 (xii) any offense under Section 20.05 or
27 20.06, Penal Code; or

1 (xiii) [~~(xiv)~~] an offense under Section
2 326.002, Business & Commerce Code;

3 (C) the proceeds gained from the commission of a
4 felony listed in Paragraph (A) or (B) of this subdivision, a
5 misdemeanor listed in Paragraph (B)(vii), (ix), (x), or (xi) of
6 this subdivision, or a crime of violence;

7 (D) acquired with proceeds gained from the
8 commission of a felony listed in Paragraph (A) or (B) of this
9 subdivision, a misdemeanor listed in Paragraph (B)(vii), (ix), (x),
10 or (xi) of this subdivision, or a crime of violence;

11 (E) used to facilitate or intended to be used to
12 facilitate the commission of a felony under Section 15.031 or
13 43.25, Penal Code; or

14 (F) used to facilitate or intended to be used to
15 facilitate the commission of a felony under Section 20A.02 or
16 Chapter 43, Penal Code.

17 SECTION 4. Subchapter B, Chapter 402, Government Code, is
18 amended by adding Section 402.038 to read as follows:

19 Sec. 402.038. TRANSNATIONAL AND ORGANIZED CRIME DIVISION.

20 (a) The office of the attorney general shall establish a
21 transnational and organized crime division.

22 (b) To address matters related to border security and
23 organized crime, the transnational and organized crime division
24 shall:

25 (1) establish within the division a prosecution unit
26 to provide critical assistance to local prosecutors;

27 (2) using existing funds, establish within the

division a trafficking of persons unit to:

(A) assist local law enforcement agencies and local prosecutors in investigating and prosecuting trafficking of persons and related crimes; and

(B) work with the appropriate local and state agencies to identify victims of trafficking of persons and to provide the types of assistance available for those victims under Chapter 56, Code of Criminal Procedure; and

(3) develop initiatives to provide greater state assistance, support, and coordination among state law enforcement agencies, local law enforcement agencies, and local prosecutors.

(c) Prosecution assistance provided by the division under this section shall be in accordance with the assistance authorized under Section 402.028.

SECTION 5. Section 411.0043, Government Code, is amended to read as follows:

Sec. 411.0043. TECHNOLOGY POLICY; REVIEW. (a) The commission shall implement a policy requiring the department to use appropriate technological solutions to improve the department's ability to perform its functions. The policy must ensure that the public is able to interact with the department on the Internet.

(b) The department shall periodically:

(1) review the department's existing information technology system to determine whether:

(A) the system's security should be upgraded; and

(B) the system provides the department with the best ability to monitor and investigate criminal activity on the

1 Internet; and

2 (2) make any necessary improvements to the
3 department's information technology system.

4 SECTION 6. Subchapter A, Chapter 411, Government Code, is
5 amended by adding Section 411.0163 to read as follows:

6 Sec. 411.0163. HIRING OFFICERS WITH PREVIOUS LAW
7 ENFORCEMENT EXPERIENCE. Notwithstanding any other provision of
8 law, the department may, at the time a commissioned officer is
9 hired, elect to credit up to four years of experience as a peace
10 officer in the state as years of service for the purpose of
11 calculating the officer's salary under Schedule C. All officers
12 are subject to the one-year probationary period under Section
13 411.007(g) notwithstanding the officer's rank or salary
14 classification.

15 SECTION 7. Subchapter A, Chapter 411, Government Code, is
16 amended by adding Section 411.0164 to read as follows:

17 Sec. 411.0164. 50-HOUR WORKWEEK FOR COMMISSIONED OFFICERS.
18 Notwithstanding any other law, the department may implement a
19 10-hour workday and 50-hour workweek for commissioned officers of
20 the department.

21 SECTION 8. Subchapter A, Chapter 411, Government Code, is
22 amended by adding Section 411.0165 to read as follows:

23 Sec. 411.0165. VETERAN APPLICANTS FOR TROOPER TRAINING.
24 The department may accept a person applying to the department's
25 trooper trainee academy if the person:

26 (1) has served four or more years in the United States
27 armed forces as a member of the military police or other security

1 force and received an honorable discharge; and

2 (2) meets all other department requirements for a
3 commissioned officer.

4 SECTION 9. Subchapter A, Chapter 411, Government Code, is
5 amended by adding Sections 411.0208 and 411.0209 to read as
6 follows:

7 Sec. 411.0208. RESERVE OFFICER CORPS. (a) The commission
8 may provide for the establishment of a reserve officer corps
9 consisting of retired or previously commissioned officers of the
10 department who retired or resigned in good standing.

11 (b) The commission shall establish qualifications and
12 standards of training for members of the reserve officer corps.

13 (c) The commission may limit the size of the reserve officer
14 corps.

15 (d) The director shall appoint the members of the reserve
16 officer corps. Members serve at the director's discretion.

17 (e) The director may call the reserve officer corps into
18 service at any time the director considers it necessary to have
19 additional officers to assist the department in conducting
20 background investigations, sex offender compliance checks, and
21 other duties as determined necessary by the director.

22 Sec. 411.0209. DEPARTMENT ASSISTANCE AT INTERNATIONAL
23 BORDER CHECKPOINTS. (a) To prevent the unlawful transfer of
24 contraband from this state to the United Mexican States and other
25 unlawful activity, the department shall implement a strategy for
26 providing to federal authorities and to local law enforcement
27 authorities working with those federal authorities at

1 international border checkpoints assistance in the interdiction of
2 weapons, bulk currency, stolen vehicles, and other contraband, and
3 of fugitives, being smuggled into the United Mexican States.

4 (b) The department may share with the federal government the
5 cost of staffing any international border checkpoints for the
6 purposes described by this section.

7 (c) The director and applicable local law enforcement
8 authorities shall adopt procedures as necessary to administer this
9 section.

10 SECTION 10. Subchapter D, Chapter 411, Government Code, is
11 amended by adding Section 411.054 to read as follows:

12 Sec. 411.054. INCIDENT-BASED CRIME STATISTICS REPORTING
13 GOAL. (a) The department shall establish a goal that, not later
14 than September 1, 2019, all local law enforcement agencies:

15 (1) will have implemented an incident-based reporting
16 system that meets the reporting requirements of the National
17 Incident-Based Reporting System of the Uniform Crime Reporting
18 Program of the Federal Bureau of Investigation; and

19 (2) will use the system described by Subdivision (1)
20 to submit to the department information and statistics concerning
21 criminal offenses committed in the jurisdiction of the local law
22 enforcement agency.

23 (b) Not later than January 1, 2017, the department shall
24 submit a report to the legislature that identifies the number of
25 local law enforcement agencies that have implemented the system
26 described by Subsection (a).

27 SECTION 11. Subchapter A, Chapter 411, Government Code, is

1 amended by adding Section 411.0141 to read as follows:

2 Sec. 411.0141. MULTIUSE TRAINING FACILITY. (a) The Texas
3 Facilities Commission shall construct a multiuse training facility
4 to be used by the department, the Texas military forces, county and
5 municipal law enforcement agencies, and any other military or law
6 enforcement agency, including agencies of the federal government,
7 for training purposes.

8 (b) The Texas Facilities Commission, with the assistance of
9 the department, shall locate and acquire real property for the
10 purpose of constructing the training facility. The governing body
11 of a county or municipality, on behalf of the county or
12 municipality, may donate real property to the department for the
13 training facility. The donation may be in fee simple or otherwise.

14 (c) The department shall, with the assistance of the Texas
15 Facilities Commission, design the training facility.

16 (d) On completion of the construction of the training
17 facility, the Texas Facilities Commission shall transfer ownership
18 of the training facility, including the real property and
19 buildings, to the department.

20 (e) The department shall manage the training facility and
21 may adopt rules necessary to implement this section. The
22 department shall make the training facility available for use by
23 the department, the Texas military forces, county and municipal law
24 enforcement agencies, and any other military or law enforcement
25 agency, including agencies of the federal government. The
26 department may set and collect fees for the use of the training
27 facility.

SECTION 12. Section 772.007, Government Code, is reenacted to read as follows:

Sec. 772.007. TEXAS ANTI-GANG GRANT PROGRAM. (a) The criminal justice division established under Section 772.006 shall administer a competitive grant program to support regional, multidisciplinary approaches to combat gang violence through the coordination of gang prevention, intervention, and suppression activities.

(b) The grant program administered under this section must be directed toward regions of this state that have demonstrably high levels of gang violence.

(c) The criminal justice division shall award grants to qualified applicants, as determined by the division, that demonstrate a comprehensive approach that balances gang prevention, intervention, and suppression activities to reduce gang violence.

(d) The criminal justice division shall include in the biennial report required by Section 772.006(a)(9) detailed reporting of the results and performance of the grant program administered under this section.

(e) The criminal justice division may use any revenue available for purposes of this section.

SECTION 13. Chapter 362, Local Government Code, is amended by adding Section 362.005 to read as follows:

Sec. 362.005. TEXAS TRANSNATIONAL INTELLIGENCE CENTER.

(a) The sheriff's department of a county with a population of at least 700,000 but not more than 800,000 that borders the

1 Texas-Mexico border and the police department of the municipality
2 having the largest population in that county shall jointly
3 establish and operate the Texas Transnational Intelligence Center
4 as a central repository of real-time intelligence relating to:

5 (1) autopsies in which the person's death is likely
6 connected to transnational criminal activity;

7 (2) criminal activity in the counties along the
8 Texas-Mexico border and certain other counties; and

9 (3) other transnational criminal activity in the
10 state.

11 (b) The Texas Department of Public Safety shall assist the
12 county sheriff's department and the municipal police department in
13 the establishment and operation of the center.

14 (c) Each law enforcement agency in a county located along
15 the Texas-Mexico border or in a county that contains a federal
16 checkpoint shall report to the Texas Transnational Intelligence
17 Center intelligence regarding criminal activity in the law
18 enforcement agency's jurisdiction, including details on
19 kidnappings, home invasions, and incidents of impersonation of law
20 enforcement officers. The Texas Alcoholic Beverage Commission and
21 Parks and Wildlife Department shall report to the center
22 intelligence regarding transnational criminal activity in the
23 agency's jurisdiction.

24 (d) The intelligence in the Texas Transnational
25 Intelligence Center shall be made available to each law enforcement
26 agency in the state and the Texas Alcoholic Beverage Commission and
27 Parks and Wildlife Department.

1 (e) The Texas Transnational Intelligence Center shall
2 comply with Section 421.085, Government Code, and the rules
3 relating to that section.

4 SECTION 14. Section 20.05, Penal Code, is amended to read as
5 follows:

6 Sec. 20.05. SMUGGLING OF PERSONS. (a) A person commits an
7 offense if the person, with the intent to obtain a pecuniary
8 benefit, knowingly:

9 (1) [~~intentionally~~] uses a motor vehicle, aircraft,
10 [~~or~~] watercraft, or other means of conveyance to transport an
11 individual with the intent to:

12 (A) [~~(1)~~] conceal the individual from a peace
13 officer or special investigator; or

14 (B) [~~(2)~~] flee from a person the actor knows is a
15 peace officer or special investigator attempting to lawfully arrest
16 or detain the actor; or

17 (2) encourages or induces a person to enter or remain
18 in this country in violation of federal law by concealing,
19 harboring, or shielding that person from detection.

20 (b) An [~~Except as provided by Subsection (c), an~~] offense
21 under this section is [~~a state jail felony.~~]

22 [~~(c) An offense under this section is~~] a felony of the third
23 degree, except that [~~if the actor commits~~] the offense is:

24 (1) a felony of the second degree if:

25 (A) the actor commits the offense [~~for pecuniary~~
26 ~~benefit, or~~]

27 [~~(2)~~] in a manner that creates a substantial

1 likelihood that the smuggled [~~transported~~] individual will suffer
2 serious bodily injury or death; or

3 (B) the smuggled individual is a child younger
4 than 18 years of age at the time of the offense; or

5 (2) a felony of the first degree if:

6 (A) it is shown on the trial of the offense that,
7 as a direct result of the commission of the offense, the smuggled
8 individual became a victim of sexual assault, as defined by Section
9 22.011, or aggravated sexual assault, as defined by Section 22.021;
10 or

11 (B) the smuggled individual suffered serious
12 bodily injury or death.

13 (c) [~~(d)~~] It is an affirmative defense to prosecution of an
14 offense under this section, other than an offense punishable under
15 Subsection (b)(1)(A) or (b)(2), that the actor is related to the
16 smuggled [~~transported~~] individual within the second degree of
17 consanguinity or, at the time of the offense, within the second
18 degree of affinity.

19 (d) [~~(e)~~] If conduct constituting an offense under this
20 section also constitutes an offense under another section of this
21 code, the actor may be prosecuted under either section or under both
22 sections.

23 SECTION 15. Chapter 20, Penal Code, is amended by adding
24 Section 20.06 to read as follows:

25 Sec. 20.06. CONTINUOUS SMUGGLING OF PERSONS. (a) A person
26 commits an offense if, during a period that is 10 or more days in
27 duration, the person engages two or more times in conduct that

1 constitutes an offense under Section 20.05.

2 (b) If a jury is the trier of fact, members of the jury are
3 not required to agree unanimously on which specific conduct engaged
4 in by the defendant constituted an offense under Section 20.05 or on
5 which exact date the defendant engaged in that conduct. The jury
6 must agree unanimously that the defendant, during a period that is
7 10 or more days in duration, engaged two or more times in conduct
8 that constitutes an offense under Section 20.05.

9 (c) If the victim of an offense under Subsection (a) is the
10 same victim as a victim of an offense under Section 20.05, a
11 defendant may not be convicted of the offense under Section 20.05 in
12 the same criminal action as the offense under Subsection (a),
13 unless the offense under Section 20.05:

14 (1) is charged in the alternative;
15 (2) occurred outside the period in which the offense
16 alleged under Subsection (a) was committed; or
17 (3) is considered by the trier of fact to be a lesser
18 included offense of the offense alleged under Subsection (a).

19 (d) A defendant may not be charged with more than one count
20 under Subsection (a) if all of the conduct that constitutes an
21 offense under Section 20.05 is alleged to have been committed
22 against the same victim.

23 (e) Except as provided by Subsections (f) and (g), an
24 offense under this section is a felony of the second degree.

25 (f) An offense under this section is a felony of the first
26 degree if:

27 (1) the conduct constituting an offense under Section

1 20.05 is conducted in a manner that creates a substantial
2 likelihood that the smuggled individual will suffer serious bodily
3 injury or death; or

4 (2) the smuggled individual is a child younger than 18
5 years of age at the time of the offense.

6 (g) An offense under this section is a felony of the first
7 degree, punishable by imprisonment in the Texas Department of
8 Criminal Justice for life or for any term of not more than 99 years
9 or less than 25 years, if:

10 (1) it is shown on the trial of the offense that, as a
11 direct result of the commission of the offense, the smuggled
12 individual became a victim of sexual assault, as defined by Section
13 22.011, or aggravated sexual assault, as defined by Section 22.021;
14 or

15 (2) the smuggled individual suffered serious bodily
16 injury or death.

17 SECTION 16. Sections 71.02(a) and (b), Penal Code, are
18 amended to read as follows:

19 (a) A person commits an offense if, with the intent to
20 establish, maintain, or participate in a combination or in the
21 profits of a combination or as a member of a criminal street gang,
22 the person commits or conspires to commit one or more of the
23 following:

24 (1) murder, capital murder, arson, aggravated
25 robbery, robbery, burglary, theft, aggravated kidnapping,
26 kidnapping, aggravated assault, aggravated sexual assault, sexual
27 assault, continuous sexual abuse of young child or children,

1 solicitation of a minor, forgery, deadly conduct, assault
2 punishable as a Class A misdemeanor, burglary of a motor vehicle, or
3 unauthorized use of a motor vehicle;

4 (2) any gambling offense punishable as a Class A
5 misdemeanor;

6 (3) promotion of prostitution, aggravated promotion
7 of prostitution, or compelling prostitution;

8 (4) unlawful manufacture, transportation, repair, or
9 sale of firearms or prohibited weapons;

10 (5) unlawful manufacture, delivery, dispensation, or
11 distribution of a controlled substance or dangerous drug, or
12 unlawful possession of a controlled substance or dangerous drug
13 through forgery, fraud, misrepresentation, or deception;

14 (5-a) causing the unlawful delivery, dispensation, or
15 distribution of a controlled substance or dangerous drug in
16 violation of Subtitle B, Title 3, Occupations Code;

17 (6) any unlawful wholesale promotion or possession of
18 any obscene material or obscene device with the intent to wholesale
19 promote the same;

20 (7) any offense under Subchapter B, Chapter 43,
21 depicting or involving conduct by or directed toward a child
22 younger than 18 years of age;

23 (8) any felony offense under Chapter 32;

24 (9) any offense under Chapter 36;

25 (10) any offense under Chapter 34, 35, or 35A;

26 (11) any offense under Section 37.11(a);

27 (12) any offense under Chapter 20A;

1 (13) any offense under Section 37.10;

2 (14) any offense under Section 38.06, 38.07, 38.09, or
3 38.11;

4 (15) any offense under Section 42.10;

5 (16) any offense under Section 46.06(a)(1) or 46.14;

6 (17) any offense under Section 20.05 or 20.06; or

7 (18) any offense classified as a felony under the Tax
8 Code.

9 (b) Except as provided in Subsections (c) and (d), an
10 offense under this section is one category higher than the most
11 serious offense listed in Subsection (a) that was committed, and if
12 the most serious offense is a Class A misdemeanor, the offense is a
13 state jail felony, except that the offense is a felony of the first
14 degree punishable by imprisonment in the Texas Department of
15 Criminal Justice for:

16 (1) life without parole, if the most serious offense
17 is an aggravated sexual assault and if at the time of that offense
18 the defendant is 18 years of age or older and:

19 (A) the victim of the offense is younger than six
20 years of age;

21 (B) the victim of the offense is younger than 14
22 years of age and the actor commits the offense in a manner described
23 by Section 22.021(a)(2)(A); or

24 (C) the victim of the offense is younger than 17
25 years of age and suffered serious bodily injury as a result of the
26 offense; [~~or~~]

27 (2) life or for any term of not more than 99 years or

1 less than 30 years if the most serious offense is an offense under
2 Section 20.06 that is punishable under Subsection (g) of that
3 section; or

4 (3) life or for any term of not more than 99 years or
5 less than 15 years if the most serious offense is an offense
6 punishable as a felony of the first degree, other than an offense
7 described by Subdivision (1) or (2).

8 SECTION 17. (a) The lieutenant governor and the speaker of
9 the house of representatives shall create a joint interim committee
10 to study border security.

11 (b) The committee shall be composed of 10 members as
12 follows:

13 (1) five members of the senate appointed by the
14 lieutenant governor; and

15 (2) five members of the house of representatives
16 appointed by the speaker of the house of representatives.

17 (c) The lieutenant governor and speaker of the house of
18 representatives shall each designate a co-chair from among the
19 committee members.

20 (d) The committee shall submit a full report, including
21 findings and recommendations, to the 85th Legislature before it
22 convenes in regular session in January of 2017.

23 (e) The lieutenant governor and the speaker of the house of
24 representatives shall appoint the members of the committee created
25 under this section as soon as possible after the effective date of
26 this Act.

27 SECTION 18. The change in law made by this Act to Section 4,

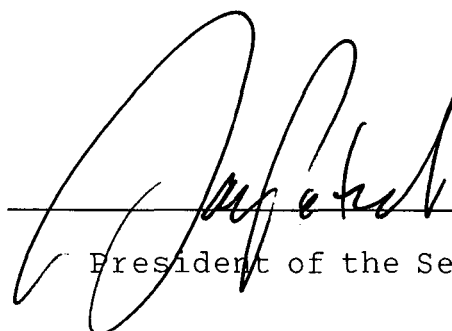
1 Article 18.20, Code of Criminal Procedure, applies only to an
2 application for an interception order filed on or after the
3 effective date of this Act. An application for an interception
4 order filed before the effective date of this Act is governed by the
5 law in effect on the date the application was filed, and the former
6 law is continued in effect for that purpose.

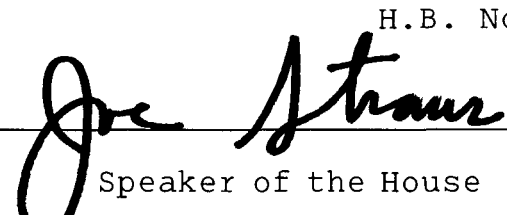
7 SECTION 19. Not later than December 1, 2015, the office of
8 the attorney general shall establish the transnational and
9 organized crime division as required by Section 402.038, Government
10 Code, as added by this Act.

11 SECTION 20. The changes in law made by this Act to Sections
12 20.05 and 71.02, Penal Code, apply only to an offense committed on
13 or after the effective date of this Act. An offense committed
14 before the effective date of this Act is governed by the law in
15 effect on the date the offense was committed, and the former law is
16 continued in effect for that purpose. For purposes of this section,
17 an offense was committed before the effective date of this Act if
18 any element of the offense occurred before that date.

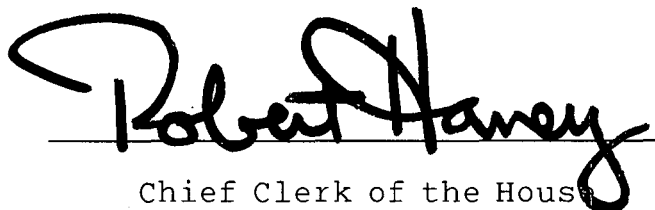
19 SECTION 21. To the extent of any conflict, this Act prevails
20 over another Act of the 84th Legislature, Regular Session, 2015,
21 relating to nonsubstantive additions to and corrections in enacted
22 codes.

23 SECTION 22. This Act takes effect September 1, 2015.


President of the Senate

H.B. No. 11

Speaker of the House

I certify that H.B. No. 11 was passed by the House on March 19, 2015, by the following vote: Yeas 130, Nays 11, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 11 on May 28, 2015, by the following vote: Yeas 122, Nays 22, 2 present, not voting.

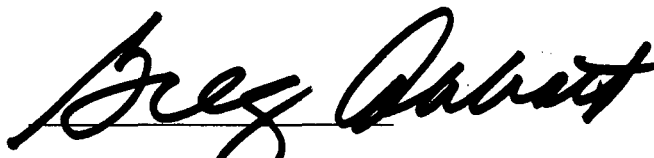

Chief Clerk of the House

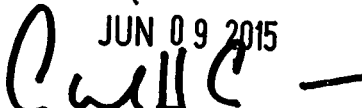
I certify that H.B. No. 11 was passed by the Senate, with amendments, on May 26, 2015, by the following vote: Yeas 27, Nays 4.


Secretary of the Senate

APPROVED: 6-8-2015

Date


Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
10³⁰ pm O'CLOCK
JUN 09 2015

Secretary of State

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

May 27, 2015

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

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB11 by Bonnen, Dennis (Relating to the powers and duties of the Texas Department of Public Safety, military and law enforcement training, and the investigation, prosecution, punishment, and prevention of certain offenses; creating an offense and increasing a criminal penalty; authorizing fees.), **As Passed 2nd House**

Estimated Two-year Net Impact to General Revenue Related Funds for HB11, As Passed 2nd House: a negative impact of (\$309,548,434) through the biennium ending August 31, 2017.

The bill would authorize the Department of Public Safety (DPS) to set and collect fees associated with other entities' usage of the multi-use training facility created by the bill. While revenues from these fees are presumed to have a positive impact to DPS, the actual fee revenues would depend on the fee levels set by DPS and the training facility's frequency of usage by entities other than DPS.

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	(\$236,387,582)
2017	(\$73,160,852)
2018	(\$73,160,852)
2019	(\$73,160,852)
2020	(\$73,160,852)

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from General Revenue Fund 1	Probable Savings/(Cost) from Interagency Contracts 777	Change in Number of State Employees from FY 2015
2016	(\$236,387,582)	(\$372,501)	9.0
2017	(\$73,160,852)	(\$335,481)	9.0
2018	(\$73,160,852)	(\$335,481)	9.0

2019	(\$73,160,852)	(\$335,481)	9.0
2020	(\$73,160,852)	(\$335,481)	9.0

Fiscal Analysis

The bill would:

- 1) Amend the Government Code to establish within the Office of the Attorney General (OAG) a Transnational and Organized Crime Division with prosecution and human trafficking units that would provide assistance to certain law enforcement agencies and prosecutors.
- 2) Amend the Government Code to require the Department of Public Safety (DPS) periodically to review the agency's information technology system.
- 3) Amend the Government Code to authorize DPS to credit up to 4 years of experience as a law enforcement officer in the state as years of service for Schedule C salary purposes. The bill would also stipulate all officers are subject to a one-year probationary period regardless of rank or salary classification.
- 4) Amend the Government Code to provide DPS with the option of defining the daily and weekly hourly work load for DPS commissioned officers assigned to certain border regions to be 10 hours and 50 hours, respectively.
- 5) Amend the Government Code to authorize DPS to admit certain military veterans to the agency's trooper training academy.
- 6) Amend the Government Code to authorize the Public Safety Commission to establish a reserve officer corps and authorize the DPS Director to call the reserve officer corps into service at any time. The bill would also amend the Code of Criminal Procedure to include as "peace officers" members of the reserve officer corps.
- 7) Amend the Government Code to require DPS to implement a strategy for providing federal authorities at international border checkpoints with assistance in the interdiction of weapons, bulk currency, stolen vehicles, and other contraband, and of fugitives, being smuggled from Texas into Mexico. The bill would authorize DPS to share the costs of staffing any such international border checkpoint with relevant federal entities.
- 8) Amend the Government Code to require DPS to establish a goal that each local law enforcement agency to implement an incident-based crime reporting system that meets the reporting requirements of the National Incident-Based Reporting System by September 1, 2019. The bill would require DPS to submit a report by January 1, 2017 detailing the number of law enforcement agencies that have implemented the reporting requirements of the National Incident-Based Reporting System.
- 9) Amend the Government Code to require the Texas Facilities Commission (TFC) to construct a multi-use training facility for use by DPS, Texas Military Department (TMD) and local law enforcement agencies, and any other military or law enforcement agency, including agencies of the federal government. The bill would authorize a municipality to make a donation of real property to DPS for purposes of establishing this facility. The bill would require DPS, with the assistance of TFC, to design the training facility. The bill would stipulate that upon completion of the facility TFC shall transfer ownership to DPS. The bill would authorize DPS to manage the training facility and set and collect fees for the use of the training facility.

10) Amend the Government Code to reenact statute pertaining to the Texas Anti-Gang Grant Program. The reenacted statute would require the Office of the Governor's Criminal Justice Division to administer a competitive grant program to support regional and multidisciplinary approaches to combat gang violence.

11) Amend the Local Government Code to require a certain sheriff's department and municipal police department to jointly establish and operate the Texas Transnational Intelligence Center. DPS would be required to assist in the establishment and operation of this Center. Each local law enforcement agency in a county located along the Texas-Mexico border or in a county containing a federal checkpoint, as well as the Texas Alcoholic Beverage Commission and Texas Parks and Wildlife Department, would be required to report certain crime information to the Center. The bill would require the information in the Center shall be made available to each law enforcement agency in the state, as well as to the Texas Alcoholic Beverage Commission and Texas Parks and Wildlife Department.

12) The bill would amend the Penal Code to prohibit certain behaviors for pecuniary benefit under the offense of smuggling of persons. The bill would create a certain affirmative defense under the offense of smuggling of persons. The bill would also create the new offense of continuous smuggling of persons and include this offense among other offenses eligible for prosecution under the offense of engaging in organized criminal activity. The bill would enhance the punishment for certain individuals convicted of engaging in organized criminal activity related to continuous smuggling of persons.

13) The bill would create a joint interim committee to study border security and would require this committee to submit a report on border security to the 85th Legislature. It is assumed any costs associated with this interim committee could be absorbed within existing resources.

Except as otherwise noted above, the bill would take effect September 1, 2015.

Methodology

This fiscal note assumes all costs associated with implementing the provisions of the bill would be funded out of the General Revenue Fund, with the exception of certain costs noted for the Texas Facilities Commission, which would be funded out of Inter-Agency Contracts.

1) It is assumed the bill's requirement that the OAG establish a Transnational and Organized Crime Division would require additional resources. Currently, the OAG provides prosecutorial and investigative assistance to local and state agencies in Texas. Under the bill's provisions, the Criminal Prosecutions Division within the OAG estimates twenty additional cases each fiscal year related to human trafficking, organized crime, and border security. The Human Trafficking Unit estimates an additional four to six operations related to human trafficking, organized crime, and border security.

The OAG estimates the bill provisions would require one Assistant Attorney General III (1.0 FTE), one Assistant Attorney General V (1.0 FTE), one Legal Assistant III (1.0 FTE), three Investigator V (3.0 FTEs), and one Information Specialist III (1.0 FTE) with a combined fiscal year cost of \$613,302 for salaries (\$489,099) and related benefits (\$155,203) related to expanded prosecutorial and investigative assistance for border security, organized crime, and human trafficking.

The additional investigators would be commissioned peace officers and require specialized

equipment such as weapons, radios, safety equipment, and vehicles. The OAG estimates travel associated with the bill provisions would be greater than average due to potential investigations and prosecution assistance. Additionally, the OAG estimates it would not be able house the additional personnel in existing office space and would be required to lease space.

2) It is assumed the bill's requirement that the Department of Public Safety (DPS) periodically review the agency's information technology system can be absorbed within existing resources.

3) Depending on the extent to which DPS utilizes the bill's provision allowing DPS to credit up to four years of experience as a law enforcement officer in the state as years of service for Schedule C

salary purposes state cost would increase. These costs would be realized to the degree the agency adds these more costly troopers, rather than less costly recruit school graduates. However, while these costs could be significant the utilization and scope cannot be determined at this time and the costs are not included in the tables above. Specifically, probationary troopers graduating from the agency's 6-month recruit school are currently paid a base salary of \$43,007 during a one-year probationary period following graduation. Assuming current (fiscal year 2014-15) levels of overtime funding at an additional 3.8 hours per week, the actual annual pay for a probationary trooper increases to approximately \$49,135. Transfer troopers, however, would start at a significantly higher pay level. The starting pay for a trooper with up to 4 years of experience is at least \$63,336. Assuming current levels of overtime funding at an additional 3.8 hours per week, the actual annual pay for a new transfer trooper increases to approximately \$72,361. This \$23,226 per trooper differential would, for example, equate to a cost of \$2.3 million if 100 troopers were hired under this provision, plus another \$700,000 in estimated benefits costs. Therefore a transfer trooper presumably would start at a pay level about 47 percent higher than a probationary trooper. This increased pay presumably would represent a significant cost to the agency to the degree the agency opts to hire transfer troopers. The higher level of starting pay for each transfer trooper would also represent an increased cost to the state in retirement contributions.

4) DPS has indicated an annual cost of \$71,300,000 to implement a 10-hour work day and 50-hour work week for all the agency's approximately 3,600 commissioned officers across the state. No additional costs associated with benefits, such as retirement contributions, are assumed because overtime pay is not subject to benefits contributions.

5) This fiscal note assumes the bill's authorization for DPS to admit certain military veterans to the agency's trooper training academy would not result in any fiscal impact.

6) This fiscal note assumes the reserve office corps created by this bill would be composed of volunteers, and thus would not represent a significant cost to the agency.

7) It is assumed the bill's requirement for DPS to implement a strategy for providing federal authorities at international border checkpoints with assistance in the interdiction of weapons, bulk currency, stolen vehicles, and other contraband, and of fugitives, being smuggled from Texas into Mexico at international border checkpoints could be absorbed within existing resources. The bill would authorize DPS to share the costs of staffing any such international border checkpoint with relevant federal entities.

8) This fiscal note assumes there will be local costs associated with the bill's requirement to direct DPS to establish a goal for each local law enforcement agency to implement an incident-based crime reporting system that meets the reporting requirements of the National Incident-Based Reporting System by September 1, 2019. The local costs are indicated below in the Local Government impact section.

9) This fiscal note assumes the bill's requirement that the Texas Facilities Commission (TFC) construct a multiuse training facility would have a total project cost of \$154,163,846. While this cost is shown in fiscal year 2016, the project financing would presumably require some provision of unexpended balances authority.

The \$154,163,846 cost is based on facility requirements provided to TFC by DPS and TMD. TFC has indicated that based on discussions with DPS and TMD, the new training facility would require the following: a minimum land space of 5,000 acres; a 3,000 square foot administrative building; a 6,000 square foot enclosed pavilion/instructional area; a 500 bed dormitory; parking for 500 vehicles; an 11,000 square foot medical clinic; a 16,000 square foot dining facility; a 75 square yard tactical training area; a 1,000 yard rifle shooting range; a 50 yard pistol shooting range; a 30,000 square foot staging and storage area; site lighting; and considerable development of site infrastructure, including establishment of access to basic utilities.

Based on these requirements, TFC has provided the following project cost components: land (\$7,031,100); technical services (\$17,377,500); site improvements (\$25,282,784); construction and testing (\$87,332,071); furniture, fixtures and equipment (\$5,080,000); contingency (\$7,061,691); and other costs (\$4,998,700).

This fiscal note assumes TFC would require the following positions to manage this project: one Project Manager IV (\$90,000), one Project Manager II (\$67,000), one Inspector V (\$47,000), and one Administrative Assistant IV (\$42,000). Benefits costs associated with these salaries are estimated to be \$83,345 per fiscal year. Other costs to support these positions are assumed to be \$43,156 in fiscal year 2016 and \$6,136 in fiscal year 2017 and beyond.

10) This fiscal note assumes the bill's reenactment of the statute pertaining to the Texas Anti-Gang Grant Program would result in costs associated with providing anti-gang grants to localities. This fiscal note assumes historical costs for these grants. Specifically, in the last 4 years, the Office of the Governor's Criminal Justice Division (CJD) provided grants to two anti-gang centers (Houston and Dallas area), which averaged \$1.5 million for establishment costs and \$0.1 million for ongoing costs each. The Office of the Governor indicates that to administer the program enacted by the bill, CJD would expand current operations in Houston and Dallas and establish five new anti-gang centers (\$1.5 million x 5 new centers = \$7.5 million in 2016). This fiscal note assumes that to expand the operations, current ongoing costs would double for each center from \$0.1 million to \$0.2 million per year (\$0.2 million x 2 centers = \$0.4 million in 2016). In 2017 and beyond, the ongoing operational expenses would be for the seven established anti-gang centers around Texas (\$0.2 million x 7 centers = \$1.4 million). Thus:

Fiscal Year 2016 (\$1.5 million x 5 centers) + (\$0.2 million x 2 centers) = \$7,900,000
Fiscal Years 2017+ (\$0.2 million x 7 centers) = \$1,400,000 per fiscal year

11) This fiscal note assumes the bill's requirement that DPS establish the Texas Transnational Intelligence Center in a certain county if the county's sheriff and municipality's police department agree jointly to establish and operate the Center would entail costs both to the state and to certain local entities. The potential local impact is noted below in the Local Government Impact section. It is assumed DPS would be required to provide computing, networking, and support applications to establish the Center. One-time start-up costs for fiscal year 2016 are assumed to be \$2,132,000 for computers, network hardware, and other IT equipment, as well as \$298,812 for an IT contractor to assist in establishing the Center's network in fiscal year 2016 only. It is assumed any ongoing technology costs associated with DPS' assistance in operating the Center can be absorbed within existing resources. It is also assumed that the bill's requirement that the Texas Alcoholic Beverage Commission and Texas Parks and Wildlife Department provide certain criminal record data to the

Center can be accomplished within each agency's existing resources.

12) The probable impact of implementing the bill's provisions which would amend the Penal Code is not assumed to be significant.

Technology

It is assumed DPS would be required to provide computing, networking, and support applications to fulfill the mission of the Texas Transnational Intelligence Center. One-time start-up costs for fiscal year 2016 are assumed to be \$2,132,000 for computers, network hardware, and other IT equipment, as well as \$298,812 for an IT contractor to assist in establishing the Center's network in fiscal year 2016 only. It is assumed any ongoing costs associated with DPS' assistance in operating the Center can be absorbed within existing resources.

It is assumed the OAG would incur a technology impact related to computer hardware, software, telecommunications equipment, and network storage estimated to be \$35,905 in fiscal year 2016 and \$16,380 in subsequent years.

Local Government Impact

The bill's goal that each local law enforcement agency in the state implement an incident-based crime reporting system that meets the reporting requirements of the National Incident-Based Reporting System (NIBRS) by September 1, 2019 could constitute a significant fiscal impact to local law enforcement agencies. Assuming each law enforcement agency takes steps to implement NIBRS in order to meet the goal of the bill, the impact to each law enforcement agency would depend on a given's agency's resources and whether the agency has already initiated a shift to an incident-based crime reporting system. The City of El Paso reported that the fiscal impact to implement the provisions of the bill is not anticipated to be significant. The Houston Police Department reported that conversion to the NIBRS would have a significant fiscal impact on the department, as it may require a significant rewrite of the current Records Management System.

The bill's requirement to establish and operate the South Texas Crime Information Center presumably would result in costs to the two affected law enforcement agencies as well as the affected municipality, to the degree the municipality opts to provide resources for the Center.

There may be costs to local governments associated with prosecution, confinement, enforcement of a new offense. Harris County reported that the creation of a new offense related to the smuggling of persons may create an additional 3,000 jail bookings per year; the cost for county jail bed stays, averaging 30 days per inmate, and processing fees would be \$5,130,000 per year.

Source Agencies: 405 Department of Public Safety, 212 Office of Court Administration, Texas Judicial Council, 301 Office of the Governor, 302 Office of the Attorney General, 304 Comptroller of Public Accounts, 327 Employees Retirement System

LBB Staff: UP, JAW, ESi, FR, AI, JHa, 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: HB11 by Bonnen, Dennis (Relating to the powers and duties of the Texas Department of Public Safety, military and law enforcement training, and the investigation, prosecution, punishment, and prevention of certain offenses; creating an offense and increasing a criminal penalty; authorizing fees.), **Committee Report 2nd House, Substituted**

Estimated Two-year Net Impact to General Revenue Related Funds for HB11, Committee Report 2nd House, Substituted: a negative impact of (\$309,548,434) through the biennium ending August 31, 2017.

The bill would authorize the Department of Public Safety (DPS) to set and collect fees associated with other entities' usage of the multi-use training facility created by the bill. While revenues from these fees are presumed to have a positive impact to DPS, the actual fee revenues would depend on the fee levels set by DPS and the training facility's frequency of usage by entities other than DPS.

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	(\$236,387,582)
2017	(\$73,160,852)
2018	(\$73,160,852)
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All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from General Revenue Fund 1	Probable Savings/(Cost) from Interagency Contracts 777	Change in Number of State Employees from FY 2015
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Fiscal Analysis

The bill would:

- 1) Amend the Government Code to establish within the Office of the Attorney General (OAG) a Transnational and Organized Crime Division with prosecution and human trafficking units that would provide assistance to certain law enforcement agencies and prosecutors.
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training facility and set and collect fees for the use of the training facility.

10) Amend the Government Code to reenact statute pertaining to the Texas Anti-Gang Grant Program. The reenacted statute would require the Office of the Governor's Criminal Justice Division to administer a competitive grant program to support regional and multidisciplinary approaches to combat gang violence.

11) Amend the Local Government Code to require a certain sheriff's department and municipal police department to jointly establish and operate the Texas Transnational Intelligence Center. DPS would be required to assist in the establishment and operation of this Center. Each local law enforcement agency in a county located along the Texas-Mexico border or in a county containing a federal checkpoint, as well as the Texas Alcoholic Beverage Commission and Texas Parks and Wildlife Department, would be required to report certain crime information to the Center. The bill would require the information in the Center shall be made available to each law enforcement agency in the state, as well as to the Texas Alcoholic Beverage Commission and Texas Parks and Wildlife Department.

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Except as otherwise noted above, the bill would take effect September 1, 2015.

Methodology

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The additional investigators would be commissioned peace officers and require specialized equipment such as weapons, radios, safety equipment, and vehicles. The OAG estimates travel associated with the bill provisions would be greater than average due to potential investigations and prosecution assistance. Additionally, the OAG estimates it would not be able house the

additional personnel in existing office space and would be required to lease space.

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3) Depending on the extent to which DPS utilizes the bill's provision allowing DPS to credit up to four years of experience as a law enforcement officer in the state as years of service for Schedule C

salary purposes state cost would increase. These costs would be realized to the degree the agency adds these more costly troopers, rather than less costly recruit school graduates. However, while these costs could be significant the utilization and scope cannot be determined at this time and the costs are not included in the tables above. Specifically, probationary troopers graduating from the agency's 6-month recruit school are currently paid a base salary of \$43,007 during a one-year probationary period following graduation. Assuming current (fiscal year 2014-15) levels of overtime funding at an additional 3.8 hours per week, the actual annual pay for a probationary trooper increases to approximately \$49,135. Transfer troopers, however, would start at a significantly higher pay level. The starting pay for a trooper with up to 4 years of experience is at least \$63,336. Assuming current levels of overtime funding at an additional 3.8 hours per week, the actual annual pay for a new transfer trooper increases to approximately \$72,361. This \$23,226 per trooper differential would, for example, equate to a cost of \$2.3 million if 100 troopers were hired under this provision, plus another \$700,000 in estimated benefits costs. Therefore a transfer trooper presumably would start at a pay level about 47 percent higher than a probationary trooper. This increased pay presumably would represent a significant cost to the agency to the degree the agency opts to hire transfer troopers. The higher level of starting pay for each transfer trooper would also represent an increased cost to the state in retirement contributions.

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Based on these requirements, TFC has provided the following project cost components: land (\$7,031,100); technical services (\$17,377,500); site improvements (\$25,282,784); construction and testing (\$87,332,071); furniture, fixtures and equipment (\$5,080,000); contingency (\$7,061,691); and other costs (\$4,998,700).

This fiscal note assumes TFC would require the following positions to manage this project: one Project Manager IV (\$90,000), one Project Manager II (\$67,000), one Inspector V (\$47,000), and one Administrative Assistant IV (\$42,000). Benefits costs associated with these salaries are estimated to be \$83,345 per fiscal year. Other costs to support these positions are assumed to be \$43,156 in fiscal year 2016 and \$6,136 in fiscal year 2017 and beyond.

10) This fiscal note assumes the bill's reenactment of the statute pertaining to the Texas Anti-Gang Grant Program would result in costs associated with providing anti-gang grants to localities. This fiscal note assumes historical costs for these grants. Specifically, in the last 4 years, the Office of the Governor's Criminal Justice Division (CJD) provided grants to two anti-gang centers (Houston and Dallas area), which averaged \$1.5 million for establishment costs and \$0.1 million for ongoing costs each. The Office of the Governor indicates that to administer the program enacted by the bill, CJD would expand current operations in Houston and Dallas and establish five new anti-gang centers (\$1.5 million x 5 new centers = \$7.5 million in 2016). This fiscal note assumes that to expand the operations, current ongoing costs would double for each center from \$0.1 million to \$0.2 million per year (\$0.2 million x 2 centers = \$0.4 million in 2016). In 2017 and beyond, the ongoing operational expenses would be for the seven established anti-gang centers around Texas (\$0.2 million x 7 centers = \$1.4 million). Thus:

Fiscal Year 2016 (\$1.5 million x 5 centers) + (\$0.2 million x 2 centers) = \$7,900,000

Fiscal Years 2017+ (\$0.2 million x 7 centers) = \$1,400,000 per fiscal year

11) This fiscal note assumes the bill's requirement that DPS establish the Texas Transnational Intelligence Center in a certain county if the county's sheriff and municipality's police department agree jointly to establish and operate the Center would entail costs both to the state and to certain local entities. The potential local impact is noted below in the Local Government Impact section. It is assumed DPS would be required to provide computing, networking, and support applications to establish the Center. One-time start-up costs for fiscal year 2016 are assumed to be \$2,132,000 for computers, network hardware, and other IT equipment, as well as \$298,812 for an IT contractor to assist in establishing the Center's network in fiscal year 2016 only. It is assumed any ongoing technology costs associated with DPS' assistance in operating the Center can be absorbed within existing resources. It is also assumed that the bill's requirement that the Texas Alcoholic Beverage Commission and Texas Parks and Wildlife Department provide certain criminal record data to the Center can be accomplished within each agency's existing resources.

12) The probable impact of implementing the bill's provisions which would amend the Penal Code

is not assumed to be significant.

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Technology

It is assumed DPS would be required to provide computing, networking, and support applications to fulfill the mission of the Texas Transnational Intelligence Center. One-time start-up costs for fiscal year 2016 are assumed to be \$2,132,000 for computers, network hardware, and other IT equipment, as well as \$298,812 for an IT contractor to assist in establishing the Center's network in fiscal year 2016 only. It is assumed any ongoing costs associated with DPS' assistance in operating the Center can be absorbed within existing resources.

It is assumed the OAG would incur a technology impact related to computer hardware, software, telecommunications equipment, and network storage estimated to be \$35,905 in fiscal year 2016 and \$16,380 in subsequent years.

Local Government Impact

The bill's goal that each local law enforcement agency in the state implement an incident-based crime reporting system that meets the reporting requirements of the National Incident-Based Reporting System (NIBRS) by September 1, 2019 could constitute a significant fiscal impact to local law enforcement agencies. Assuming each law enforcement agency takes steps to implement NIBRS in order to meet the goal of the bill, the impact to each law enforcement agency would depend on a given's agency's resources and whether the agency has already initiated a shift to an incident-based crime reporting system. The City of El Paso reported that the fiscal impact to implement the provisions of the bill is not anticipated to be significant. The Houston Police Department reported that conversion to the NIBRS would have a significant fiscal impact on the department, as it may require a significant rewrite of the current Records Management System.

The bill's requirement to establish and operate the South Texas Crime Information Center presumably would result in costs to the two affected law enforcement agencies as well as the affected municipality, to the degree the municipality opts to provide resources for the Center.

There may be costs to local governments associated with prosecution, confinement, enforcement of a new offense. Harris County reported that the creation of a new offense related to the smuggling of persons may create an additional 3,000 jail bookings per year; the cost for county jail bed stays, averaging 30 days per inmate, and processing fees would be \$5,130,000 per year.

Source Agencies: 405 Department of Public Safety, 212 Office of Court Administration, Texas Judicial Council, 301 Office of the Governor, 302 Office of the Attorney General, 304 Comptroller of Public Accounts, 327 Employees Retirement System

LBB Staff: UP, JAW, ESi, FR, AI, JHa, KVe

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

May 18, 2015

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

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB11 by Bonnen, Dennis (Relating to the powers and duties of the Texas Department of Public Safety and the investigation, prosecution, punishment, and prevention of certain offenses; creating an offense and increasing a criminal penalty.), As Engrossed

Estimated Two-year Net Impact to General Revenue Related Funds for HB11, As Engrossed: a negative impact of (\$40,150,386) 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	(\$24,540,599)
2017	(\$15,609,787)
2018	(\$15,609,787)
2019	(\$15,609,787)
2020	(\$15,609,787)

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from General Revenue Fund 1	Change in Number of State Employees from FY 2015
2016	(\$24,540,599)	12.0
2017	(\$15,609,787)	12.0
2018	(\$15,609,787)	12.0
2019	(\$15,609,787)	12.0
2020	(\$15,609,787)	12.0

Fiscal Analysis

The bill would:

- 1) Amend the Government Code to require the Department of Public Safety (DPS) periodically to review the agency's information technology system.
- 2) Amend the Government Code to provide DPS with the option of defining the daily and weekly hourly work load for DPS commissioned officers assigned to certain border regions to be 10 hours and 50 hours, respectively.
- 3) Amend the Government Code to authorize DPS to credit up to 4 years of experience as a law enforcement officer in the state as years of service for Schedule C salary purposes. The bill would also stipulate all officers are subject to a one-year probationary period regardless of rank or salary classification.
- 4) Amend the Government Code to authorize the Public Safety Commission to establish a reserve officer corps and authorize the DPS Director to call the reserve officer corps into service at any time. The bill would also amend the Code of Criminal Procedure to include as "peace officers" members of the reserve officer corps.
- 5) Amend the Government Code to authorize DPS to admit certain military veterans to the agency's trooper training academy.
- 6) Amend the Government Code to establish a new legislative State Law Enforcement Operations Oversight Committee to monitor and regularly report to the legislature on the progress of state operations targeting transnational gang and cartel activity, including monitoring conditions at the local level.
- 7) Amend the Government Code to require DPS to study the feasibility of providing federal authorities at international border checkpoints with assistance in the interdiction of weapons, bulk currency, stolen vehicles, and other contraband, and of fugitives, being smuggled from Texas into Mexico. The bill would authorize DPS to share the costs of staffing any such international border checkpoint with relevant federal entities.
- 8) Amend the Government Code to require DPS to provide assistance to local law enforcement agencies along the Texas-Mexico border upon request by those agencies on offenses punishable as a third-degree felony or higher.
- 9) Amend the Government Code to require each local law enforcement agency to implement an incident-based crime reporting system that meets the reporting requirements of the National Incident-Based Reporting System by September 1, 2019. If a local law enforcement agency is not in compliance by September 1, 2019, any grant funds awarded to the agency by DPS or the Criminal Justice Division of the Office of the Governor may only be used to come into compliance with this requirement. The bill would require DPS to promulgate rules necessary to implement this requirement by no later than December 31, 2015.
- 10) Amend the Government Code to reenact statute pertaining to the Texas Anti-Gang Grant Program. The reenacted statute would require the Office of the Governor's Criminal Justice Division to administer a competitive grant program to support regional and multidisciplinary approaches to combat gang violence.
- 11) Amend the Local Government Code to require a certain sheriff's department and municipal police department to jointly establish and operate the Texas Transnational Intelligence Center. DPS would be required to assist in the establishment and operation of this Center. Each local law enforcement agency in a county located along the Texas-Mexico border, as well as the Texas Alcoholic Beverage Commission and Texas Parks and Wildlife Department, would be required to

report certain crime information to the Center. The bill would require the information in the Center shall be made available to each law enforcement agency in the state, as well as to the Texas Alcoholic Beverage Commission and Texas Parks and Wildlife Department.

12) The bill would amend the Penal Code to prohibit certain additional behaviors, remove certain defenses to prosecution, and enhance certain punishments under the offense of smuggling of persons. The bill would also create the new offense of continuous smuggling of persons and include this offense among other offenses eligible for prosecution under the offense of engaging in organized criminal activity.

Except as otherwise noted above, the bill would take effect September 1, 2015.

Methodology

This fiscal note assumes all costs associated with implementing the provisions of the bill would be funded out of the General Revenue Fund.

- 1) This fiscal note assumes the bill's requirement that the Department of Public Safety (DPS) periodically review the agency's information technology system can be absorbed within existing resources.
- 2) This fiscal note assumes the bill's requirement to increase the work week of certain Department of Public Safety troopers to 50 hours would result in additional overtime costs of \$13,367,885 in General Revenue in each fiscal year covered. This overtime cost is based on the following assumptions:
 - a) 725 troopers would be stationed in counties along the Texas-Mexican border. This number was reported by DPS and is based on the agency's count of the number of troopers stationed in the affected counties as of January 31, 2015 (analogous to DPS Regions III and IV).
 - b) Each average hour of overtime is \$52.92325. This is the average dollar per hour cost of overtime for troopers in different commissioned positions, as shown in the table below.
 - c) The total hours of overtime worked each year for each category of trooper is 348.4 hours. This number of hours of overtime per year is based on ten hours of overtime per week multiplied by a 52 week work year. This 520 overtime hours annual value is then prorated to reflect current ongoing overtime funding. The Eighty-second Legislature, Regular Session, appropriated \$55.9 million to fund a 45-hour work week for all DPS troopers. This funding remains in the agency's baseline funding. The agency estimates the \$55.9 million now funds about 3.3 hours of overtime per week. Accordingly, this fiscal note prorates the cost of adding ten overtime hours per week by the 3.3 overtime hours currently funded. This proration leaves a net 6.7 hours of overtime cost per week. Thus, 6.7 overtime hours per week multiplied by 52 = 348.4 annual overtime hours. See below table.
 - d) No additional costs associated with benefits, such as retirement contributions, are assumed because overtime pay is not subject to benefits contributions.
 - e) This fiscal note assumes that the extra hours on the road resulting from overtime patrolling would accelerate DPS' vehicle maintenance and replacement schedule. It is assumed \$1,096,113 per year would be required to fund increased maintenance costs and replace 21 vehicles per year.

Commissioned Positions	Regions 3 & 4	Prorated Hours	Avg. Overtime Rate (Rounded)	2016	2017
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Troopers	598	348.4	\$51.02	\$10,629,670	\$10,629,670
Sergeants	93	348.4	\$59.30	\$1,921,391	\$1,921,391
Lieutenants	22	348.4	\$65.11	\$499,055	\$499,055
Captains	10	348.4	\$74.08	\$258,095	\$258,095
Majors	2	348.4	\$85.64	\$59,674	\$59,674
Total	725	348.4	\$52.72	\$13,367,885	\$13,367,885
Benefits and & Payroll Contribution				\$0	\$0
Total Overtime Pay for Commission Positions for HB 11 Intro				\$13,367,885	\$13,367,885
Average Hour Cost of Overtime:			\$ 52.92326		

3) Depending on the extent to which DPS utilizes the bill's provision allowing DPS to credit up to 4 years of experience as a law enforcement officer in the state as years of service for Schedule C salary purposes state cost would increase. These costs would be realized to the degree the agency adds these more costly troopers, rather than less costly recruit school graduates. However, while these costs could be significant, the utilization and scope cannot be determined at this time. By extension, the costs are not included in the tables above. Specifically, probationary troopers graduating from the agency's 6-month recruit school are currently paid a base salary of \$43,007 during a one-year probationary period following graduation. Assuming current (fiscal year 2014-15) levels of overtime funding at an additional 3.3 hours per week, the actual annual pay for a probationary trooper increases to approximately \$48,330. Transfer troopers, however, would start at a significantly higher pay level. The starting pay for a trooper with up to 4 years of experience is at least \$63,336. Assuming current levels of overtime funding at an additional 3.3 hours per week, the actual annual pay for a new transfer trooper increases to approximately \$71,175. This \$22,845 per trooper differential would, for example, equate to a cost of almost \$2.3 million if 100 troopers were hired under this provision. Therefore a transfer trooper presumably would start at a pay level about 47 percent higher than a probationary trooper. This increased pay presumably would represent a significant cost to the agency to the degree the agency opts to hire transfer troopers. The higher level of starting pay for each transfer trooper would also represent an increased cost to the state in retirement contributions.

4) This fiscal note assumes the reserve office corps created by this bill would be composed of volunteers, and thus would not represent a significant cost to the agency.

5) This fiscal note assumes the bill's authorization for DPS to admit certain military veterans to the agency's trooper training academy would not result in any fiscal impact.

6) It is assumed any costs associated with the bill's establishment of a new legislative State Law Enforcement Operations Oversight Committee could be absorbed within existing resources.

7) It is assumed the bill's requirement for DPS to study the feasibility of providing certain assistance to federal authorities at international border checkpoints could be absorbed within existing resources. The bill would authorize DPS to share the costs of staffing any such international border checkpoint with relevant federal entities.

8) This fiscal note assumes the bill's requirement for DPS to provide assistance to local law enforcement agencies along the Texas-Mexico border could entail some degree of additional cost to the agency, should the bill cause the number of such requests to exceed the number of requests currently processed by the agency.

9) This fiscal note assumes there will be both local and state costs associated with the bill's

requirement that each local law enforcement agency in the state implement a crime reporting system that meets the reporting requirements of the National Incident-Based Reporting System (NIBRS) by September 1, 2019. The local costs are indicated below in the Local Government impact section. This fiscal note assumes the state cost would center on the bill's requirement that DPS promulgate rules necessary to implement this reporting standard across the state. It is assumed DPS would require the following: 5 Training Specialist III positions ($\$46,976 \times 5 = \$234,880$ per fiscal year), as well as travel costs for these Training Specialists ($\$27,000$ per fiscal year \times 5 Training Specialists = $\$135,000$ per fiscal year); and 7 Administrative Assistant IV positions ($\$41,876 \times 7$ Administrative Assistants = $\$293,132$ per fiscal year). Associated costs for benefits for these positions is estimated to be $\$178,890$ per year.

These training and support staff would be responsible for informing law enforcement agencies of the requirement to submit crime statistics data to DPS; providing all field/classroom training; making presentations to law enforcement, advocacy and non-law enforcement groups regarding the new crime statistics reporting; assisting agencies in converting their processes to NIBRS, as well as supporting existing NIBRS agencies; maintaining agency contact information; and finally work with law enforcement agencies to correct any errors or to troubleshoot any problems that the agency may be experiencing.

10) This fiscal note assumes the bill's reenactment of the statute pertaining to the Texas Anti-Gang Grant Program would result in costs associated with providing anti-gang grants to localities. This fiscal note assumes historical costs for these grants. Specifically, in the last 4 years, the Office of the Governor's Criminal Justice Division (CJD) provided grants to two anti-gang centers (Houston and Dallas area), which averaged $\$1.5$ million for establishment costs and $\$0.1$ million for ongoing costs each. The Office of the Governor indicates that to administer the program enacted by the bill, CJD would expand current operations in Houston and Dallas and establish five new anti-gang centers ($\$1.5$ million \times 5 new centers = $\$7.5$ million in 2016). This fiscal note assumes that to expand the operations, current ongoing costs would double for each center from $\$0.1$ million to $\$0.2$ million per year ($\$0.2$ million \times 2 centers = $\$0.4$ million in 2016). In 2017 and beyond, the ongoing operational expenses would be for the seven established anti-gang centers around Texas ($\$0.2$ million \times 7 centers = $\$1.4$ million). Thus:

Fiscal Year 2016 $(\$1.5 \text{ million} \times 5 \text{ centers}) + (\$0.2 \text{ million} \times 2 \text{ centers}) = \$7,900,000$

Fiscal Years 2017+ $(\$0.2 \text{ million} \times 7 \text{ centers}) = \$1,400,000$ per fiscal year

11) This fiscal note assumes the bill's requirement that DPS establish the Texas Transnational Intelligence Center in a certain county if the county's sheriff and municipality's police department agree jointly to establish and operate the Center would entail costs both to the state and to certain local entities. The potential local impact is noted below in the Local Government Impact section. It is assumed DPS would be required to provide computing, networking, and support applications to establish the Center. One-time start-up costs for fiscal year 2016 are assumed to be $\$2,132,000$ for computers, network hardware, and other IT equipment, as well as $\$298,812$ for an IT contractor to assist in establishing the Center's network in fiscal year 2016 only. It is assumed any ongoing technology costs associated with DPS' assistance in operating the Center can be absorbed within existing resources. It is also assumed that the bill's requirement that the Texas Alcoholic Beverage Commission and Texas Parks and Wildlife Department provide certain criminal record data to the Center can be accomplished within each agency's existing resources.

12) The probable impact of implementing the bill's provisions which would amend the Penal Code is not assumed to be significant.

Technology

It is assumed DPS would be required to provide computing, networking, and support applications to fulfill the mission of the South Texas Border Crime Information Center. One-time start-up costs for fiscal year 2016 are assumed to be \$2,132,000 for computers, network hardware, and other IT equipment, as well as \$298,812 for an IT contractor to assist in establishing the Center's network in fiscal year 2016 only. It is assumed any ongoing costs associated with DPS' assistance in operating the Center can be absorbed within existing resources.

Local Government Impact

The bill's requirement that each local law enforcement agency in the state implement an incident-based crime reporting system that meets the reporting requirements of the National Incident-Based Reporting System (NIBRS) by September 1, 2019 could constitute a significant fiscal impact to local law enforcement agencies. The impact to each law enforcement agency would depend on a given's agency's resources and whether the agency has already initiated a shift to an incident-based crime reporting system. The City of El Paso reported that the fiscal impact to implement the provisions of the bill is not anticipated to be significant. The Houston Police Department reported that conversion to the NIBRS would have a significant fiscal impact on the department, as it may require a significant rewrite of the current Records Management System.

The bill's requirement to establish and operate the South Texas Crime Information Center presumably would result in costs to the two affected law enforcement agencies as well as the affected municipality, to the degree the municipality opts to provide resources for the Center.

There may be costs to local governments associated with prosecution, confinement, enforcement of a new offense. Harris County reported that the creation of a new offense related to the smuggling of persons may create an additional 3,000 jail bookings per year; the cost for county jail bed stays, averaging 30 days per inmate, and processing fees would be \$5,130,000 per year.

Source Agencies: 405 Department of Public Safety, 212 Office of Court Administration, Texas Judicial Council, 301 Office of the Governor, 302 Office of the Attorney General, 304 Comptroller of Public Accounts, 327 Employees Retirement System

LBB Staff: UP, FR, AI, JAW, JHa, ESi, KVe

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

March 13, 2015

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

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB11 by Bonnen, Dennis (Relating to the powers and duties of the Texas Department of Public Safety and the investigation, prosecution, punishment, and prevention of certain offenses; creating an offense and increasing a criminal penalty.), **Committee Report 1st House, Substituted**

Estimated Two-year Net Impact to General Revenue Related Funds for HB11, Committee Report 1st House, Substituted: a negative impact of (\$4,114,616) 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	(\$3,272,714)
2017	(\$841,902)
2018	(\$841,902)
2019	(\$841,902)
2020	(\$841,902)

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from General Revenue Fund 1	Change in Number of State Employees from FY 2015
2016	(\$3,272,714)	12.0
2017	(\$841,902)	12.0
2018	(\$841,902)	12.0
2019	(\$841,902)	12.0
2020	(\$841,902)	12.0

Fiscal Analysis

The bill would:

- 1) Amend the Government Code to require the Department of Public Safety (DPS) periodically to review the agency's information technology system.
- 2) Amend the Government Code to authorize DPS to credit up to 4 years of experience as a law enforcement officer in the state as years of service for Schedule C salary purposes. The bill would also stipulate all officers are subject to a one-year probationary period regardless of rank or salary classification.
- 3) Amend the Government Code to authorize the Public Safety Commission to establish a reserve officer corps and authorize the DPS Director to call the reserve officer corps into service at any time. The bill would also amend the Code of Criminal Procedure to include as "peace officers" members of the reserve officer corps.
- 4) Amend the Government Code to require DPS to investigate the feasibility of providing federal authorities at international border checkpoints with assistance in the interdiction of weapons, bulk currency, stolen vehicles, and other contraband, and of fugitives, being smuggled from Texas into Mexico. The bill would authorize DPS to share the costs of staffing any such international border checkpoint with relevant federal entities.
- 5) Amend the Government Code to require each local law enforcement agency to implement an incident-based crime reporting system that meets the reporting requirements of the National Incident-Based Reporting System by September 1, 2019. If a local law enforcement agency is not in compliance by September 1, 2019, any grant funds awarded to the agency by DPS or the Criminal Justice Division of the Office of the Governor may only be used to come into compliance with this requirement. The bill would require DPS to promulgate rules necessary to implement this requirement by no later than December 31, 2015.
- 6) Amend the Local Government Code to require a certain sheriff's department and municipal police department to jointly establish and operate the Texas Transnational Intelligence Center. DPS would be required to assist in the establishment and operation of this Center. Each local law enforcement agency in a county located along the Texas-Mexico border, as well as the Texas Alcoholic Beverage Commission and Texas Parks and Wildlife Department, would be required to report certain crime information to the Center. The bill would require the information in the Center shall be made available to each law enforcement agency in the state, as well as to the Texas Alcoholic Beverage Commission and Texas Parks and Wildlife Department.
- 7) The bill would amend the Penal Code to prohibit certain behaviors for pecuniary benefit under the offense of smuggling of persons. The bill would also create the new offense of continuous smuggling of persons and include this offense among other offenses eligible for prosecution under the offense of engaging in organized criminal activity. The bill would enhance the punishment for certain individuals convicted of engaging in organized criminal activity related to continuous smuggling of persons.

Except as otherwise noted above, the bill would take effect September 1, 2015.

Methodology

This fiscal note assumes all costs associated with implementing the provisions of the bill would be funded out of the General Revenue Fund.

This fiscal note assumes the bill's requirement that the Department of Public Safety (DPS) periodically review the agency's information technology system can be absorbed within existing resources.

This fiscal note assumes the bill's requirement to authorize DPS to credit up to 4 years of experience as a law enforcement officer in the state as years of service for Schedule C salary purposes may result in increased cost to the agency, to the degree the agency adds these more costly troopers, rather than less costly recruit school graduates.

This fiscal note assumes the reserve office corps created by this bill would be composed of volunteers, and thus would not represent a significant cost to the agency.

This fiscal note assumes there will be both local and state costs associated with the bill's requirement that each local law enforcement agency in the state implement a crime reporting system that meets the reporting requirements of the National Incident-Based Reporting System (NIBRS) by September 1, 2019. The local costs are indicated below in the Local Government impact section. This fiscal note assumes the state cost would center on the bill's requirement that DPS promulgate rules necessary to implement this reporting standard across the state. It is assumed DPS would require the following: 5 Training Specialist III positions ($\$46,976 \times 5 = \$234,880$ per fiscal year), as well as travel costs for these Training Specialists ($\$27,000$ per fiscal year $\times 5$ Training Specialists = $\$135,000$ per fiscal year); and 7 Administrative Assistant IV positions ($\$41,876 \times 7$ Administrative Assistants = $\$293,132$ per fiscal year). Associated costs for benefits for these positions is estimated to be $\$178,890$ per year.

These training and support staff would be responsible for informing law enforcement agencies of the requirement to submit their crime statistics data to DPS; providing all field/classroom training; making presentations to law enforcement, advocacy and non-law enforcement groups regarding the new crime statistics reporting; assisting agencies in converting their processes to NIBRS, as well as supporting existing NIBRS agencies; maintaining agency contact information; and finally work with law enforcement agencies to correct any errors or to troubleshoot any problems that the agency may be experiencing.

This fiscal note assumes the bill's requirement that a certain sheriff's department and municipal police department jointly establish and operate the Texas Transnational Intelligence Center with the assistance of DPS would entail costs both to the state and local agencies of government. The potential local impact is noted below in the Local Government Impact section. It is assumed DPS would be required to provide computing, networking, and support applications to fulfill the mission of the Center. One-time start-up costs for fiscal year 2016 are assumed to be $\$2,132,000$ for computers, network hardware, and other IT equipment, as well as $\$298,812$ for an IT contractor to assist in establishing the Center's network in fiscal year 2016 only. It is assumed any ongoing technology costs associated with DPS' assistance in operating the Center can be absorbed within existing resources. It is also assumed that the bill's requirement that the Texas Alcoholic Beverage Commission and Texas Parks and Wildlife Department must provide certain criminal record data to the Center can be accomplished within each agency's existing resources.

The probable impact of implementing the bill's provisions which would amend the Penal Code is not assumed to be significant.

Technology

It is assumed DPS would be required to provide computing, networking, and support applications to fulfill the mission of the Texas Transnational Intelligence Center. One-time start-up costs for fiscal year 2016 are assumed to be \$2,132,000 for computers, network hardware, and other IT equipment, as well as \$298,812 for an IT contractor to assist in establishing the Center's network in fiscal year 2016 only. It is assumed any ongoing costs associated with DPS' assistance in operating the Center can be absorbed within existing resources.

Local Government Impact

The bill's requirement that each local law enforcement agency in the state implement an incident-based crime reporting system that meets the reporting requirements of the National Incident-Based Reporting System (NIBRS) by September 1, 2019 could constitute a significant fiscal impact to local law enforcement agencies. The impact to each law enforcement agency would depend on a given's agency's resources and whether the agency has already initiated a shift to an incident-based crime reporting system. The City of El Paso reported that the fiscal impact to implement the provisions of the bill is not anticipated to be significant. The Houston Police Department reported that conversion to the NIBRS would have a significant fiscal impact on the department, as it may require a significant rewrite of the current Records Management System.

The bill's requirement to establish and operate the South Texas Crime Information Center presumably would result in costs to the two affected law enforcement agencies as well as the affected municipality, to the degree the municipality opts to provide resources for the Center.

There may be costs to local governments associated with prosecution, confinement, enforcement of a new offense. Harris County reported that the creation of a new offense related to the smuggling of persons may create an additional 3,000 jail bookings per year; the cost for county jail bed stays, averaging 30 days per inmate, and processing fees would be \$5,130,000 per year.

Source Agencies: 405 Department of Public Safety, 212 Office of Court Administration, Texas Judicial Council, 301 Office of the Governor, 302 Office of the Attorney General, 304 Comptroller of Public Accounts, 327 Employees Retirement System

LBB Staff: UP, ESi, JAW, JHa, KVe, AI

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

March 10, 2015

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

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB11 by Bonnen, Dennis (Relating to the powers and duties of the Texas Department of Public Safety and the investigation, prosecution, punishment, and prevention of certain offenses; creating an offense and increasing a criminal penalty.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for HB11, As Introduced: a negative impact of (\$31,588,719) through the biennium ending August 31, 2017.

Due to the unavailability of reliable data related to the bill's proposed changes to the offense of smuggling of persons, there could be an indeterminate significant impact on state correctional agency populations, programs, or workloads. Further, the Comptroller of Public Accounts has indicated that while the new and revised offenses would increase revenues from consolidated court costs and fines, the amount of the increase cannot be estimated due to the lack of comparable data on the type of offense and conviction rate.

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	(\$17,557,822)
2017	(\$14,030,897)
2018	(\$14,030,897)
2019	(\$14,030,897)
2020	(\$14,030,897)

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from General Revenue Fund 1	Change in Number of State Employees from FY 2015
2016	(\$17,557,822)	12.0
2017	(\$14,030,897)	12.0
2018	(\$14,030,897)	12.0
2019	(\$14,030,897)	12.0
2020	(\$14,030,897)	12.0

Fiscal Analysis

The bill would:

- 1) Amend the Government Code to require the Department of Public Safety (DPS) periodically to review the agency's information technology system.
- 2) Amend the Government Code to define the daily and weekly hourly work load for DPS commissioned officers assigned to certain border regions to be 10 hours and 50 hours, respectively.
- 3) Amend the Government Code to authorize DPS to hire a law enforcement officer with previous law enforcement experience in the position of Trooper II if the individual has at least four years of experience as a commissioned peace officer in the state.
- 4) Amend the Government Code to authorize the Public Safety Commission to establish a reserve officer corps and authorize the DPS Director to call the reserve officer corps into service at any time. The bill would also amend the Code of Criminal Procedure to include as "peace officers" members of the reserve officer corps.
- 5) Amend the Government Code to require DPS to investigate the feasibility of assisting federal authorities in establishing vehicle inspection checkpoints for vehicles departing Texas into Mexico. Should DPS determine such assistance is feasible, DPS would be authorized to establish such checkpoints in cooperation with federal agencies. The bill would also authorize the Attorney General with the assent of the Governor to enter into an agreement on behalf of the state with a federal agency to implement the provisions of the bill. The bill would also authorize a law enforcement agency to enter into an agreement with a corporation or other private entity to provide goods and services, including inspections, for the establishment and operation of a checkpoint.
- 6) Amend the Government Code to require each local law enforcement agency to implement an incident-based crime reporting system that meets the reporting requirements of the National Incident-Based Reporting System by September 1, 2019. If a local law enforcement agency is not in compliance by September 1, 2019, any grant funds awarded to the agency by DPS or the Criminal Justice Division of the Office of the Governor may only be used to come into compliance with this requirement. The bill would require DPS to promulgate rules necessary to implement this requirement by no later than December 31, 2015.
- 7) Amend the Local Government Code to require a certain sheriff's department and municipal police department jointly to establish and operate the South Texas Border Crime Information Center. DPS would be required to assist in the establishment and operation of this Center. Each local law enforcement agency in a county located along the Texas-Mexico border would be required to report certain crime information to the Center. The bill would require the information in the Center shall be made available to each law enforcement agency in the state.
- 8) The bill would amend the Penal Code to prohibit certain additional behaviors, remove certain defenses to prosecution, and enhance certain punishments under the offense of smuggling of persons. The bill would also create the new offense of continuous smuggling of persons and include this offense among other offenses eligible for prosecution under the offense of engaging in organized criminal activity.

Except as otherwise noted above, the bill would take effect September 1, 2015.

Methodology

This fiscal note assumes all costs associated with implementing the provisions of the bill would be funded out of the General Revenue Fund.

This fiscal note assumes the bill's requirement that the Department of Public Safety (DPS) periodically review the agency's information technology system can be absorbed within existing resources.

This fiscal note assumes the bill's requirement to increase the work week of certain Department of Public Safety troopers to 50 hours would result in additional overtime costs of \$13,367,885 in General Revenue in each fiscal year covered. This overtime cost is based on the following assumptions:

1) 725 troopers would be stationed in counties along the Texas-Mexican border. This number was reported by DPS and is based on the agency's count of the number of troopers stationed in the affected counties as of January 31, 2015 (analogous to DPS Regions III and IV).

2) Each average hour of overtime is \$52.92325. This is the average dollar per hour cost of overtime for troopers in different commissioned positions, as shown in the table below.

3) The total hours of overtime worked each year for each category of trooper is 348.4 hours. This number of hours of overtime per year is based on ten hours of overtime per week multiplied by a 52 week work year. This 520 overtime hours annual value is then prorated to reflect current ongoing overtime funding. The Eighty-second Legislature, Regular Session, appropriated \$55.9 million to fund a 45-hour work week for all DPS troopers. This funding remains in the agency's baseline funding. The agency estimates the \$55.9 million now funds about 3.3 hours of overtime per week. Accordingly, this fiscal note prorates the cost of adding ten overtime hours per week by the 3.3 overtime hours currently funded. This proration leaves a net 6.7 hours of overtime cost per week. Thus, 6.7 overtime hours per week multiplied by 52 = 348.4 annual overtime hours. See below table.

4) No additional costs associated with benefits, such as retirement contributions, are assumed because overtime pay is not subject to benefits contributions.

Commissioned Positions	Regions 3 & 4	Prorated Hours	Avg. Overtime Rate (Rounded)	2016	2017
Troopers	598	348.4	\$51.02	\$10,629,670	\$10,629,670
Sergeants	93	348.4	\$59.30	\$1,921,391	\$1,921,391
Lieutenants	22	348.4	\$65.11	\$499,055	\$499,055
Captains	10	348.4	\$74.08	\$258,095	\$258,095
Majors	2	348.4	\$85.64	\$59,674	\$59,674
Total	725	348.4	\$52.72	\$13,367,885	\$13,367,885
Benefits and & Payroll Contribution				\$0	\$0
Total Overtime Pay for Commission Positions for HB 11 Intro				\$13,367,885	\$13,367,885
Average Hour Cost of Overtime:			\$ 52.92326		

This fiscal note assumes that the extra hours on the road resulting from overtime patrolling would accelerate DPS' vehicle maintenance and replacement schedule. It is assumed \$1,096,113 per year would be required to fund increased maintenance costs and replace 21 vehicles per year.

This fiscal note assumes the bill's requirement to authorize DPS to hire a law enforcement officer with previous law enforcement experience in the position of Trooper II presumably may result in increased cost to the agency, to the degree the agency adds these more costly troopers, rather than less costly recruit school graduates.

This fiscal note assumes the reserve office corps created by this bill would be composed of volunteers, and thus would not represent a significant cost to the agency.

This fiscal note assumes any costs to the Office of the Attorney General and the Office of the Governor associated with entering into an agreement on behalf of the state with a federal agency to establish certain checkpoints could be absorbed within each agency's existing resources.

This fiscal note assumes there will be both local and state costs associated with the bill's requirement that each local law enforcement agency in the state implement a crime reporting system that meets the reporting requirements of the National Incident-Based Reporting System (NIBRS) by September 1, 2019. The local costs are indicated below in the Local Government impact section. This fiscal note assumes the state cost would center on the bill's requirement that DPS promulgate rules necessary to implement this reporting standard across the state. It is assumed DPS would require the following: 5 Training Specialist III positions ($\$46,976 \times 5 = \$234,880$ per fiscal year), as well as travel costs for these Training Specialists ($\$27,000$ per fiscal year \times 5 Training Specialists = $\$135,000$ per fiscal year); and 7 Administrative Assistant IV positions ($\$41,876 \times 7$ Administrative Assistants = $\$293,132$ per fiscal year).

These training and support staff would be responsible for informing law enforcement agencies of the requirement to submit their crime statistics data to DPS; providing all field/classroom training; making presentations to law enforcement, advocacy and non-law enforcement groups regarding the new crime statistics reporting; assisting agencies in converting their processes to NIBRS, as well as supporting existing NIBRS agencies; maintaining agency contact information; and finally work with law enforcement agencies to correct any errors or to troubleshoot any problems that the agency may be experiencing.

This fiscal note assumes the bill's requirement that a certain sheriff's department and municipal police department jointly establish and operate the South Texas Border Crime Information Center with the assistance of DPS would entail costs both to the state and local agencies of government. The potential local impact is noted below in the Local Government Impact section. It is assumed DPS would be required to provide computing, networking, and support applications to fulfill the mission of the Center. One-time start-up costs for fiscal year 2016 are assumed to be $\$2,132,000$ for computers, network hardware, and other IT equipment, as well as $\$298,812$ for an IT contractor to assist in establishing the Center's network in fiscal year 2016 only. It is assumed any ongoing technology costs associated with DPS' assistance in operating the Center can be absorbed within existing resources.

The probable impact of implementing the bill's provisions which amend the Penal Code cannot be determined due to the unavailability of reliable data related to the proposed changes to the offense of smuggling of persons. The additional prohibited behaviors, removal of certain defenses to prosecution, and certain punishment enhancements could significantly expand the number of persons subject to prosecution under the offense of smuggling of persons. This expansion could result in a significant impact on state correctional agencies, though the impact's extent cannot be determined.

Technology

It is assumed DPS would be required to provide computing, networking, and support applications to fulfill the mission of the South Texas Border Crime Information Center. One-time start-up costs for fiscal year 2016 are assumed to be \$2,132,000 for computers, network hardware, and other IT equipment, as well as \$298,812 for an IT contractor to assist in establishing the Center's network in fiscal year 2016 only. It is assumed any ongoing costs associated with DPS' assistance in operating the Center can be absorbed within existing resources.

Local Government Impact

The bill's requirement that each local law enforcement agency in the state implement an incident-based crime reporting system that meets the reporting requirements of the National Incident-Based Reporting System (NIBRS) by September 1, 2019 could constitute a significant fiscal impact to local law enforcement agencies. The impact to each law enforcement agency would depend on a given's agency's resources and whether the agency has already initiated a shift to an incident-based crime reporting system. The City of El Paso reported that the fiscal impact to implement the provisions of the bill is not anticipated to be significant. The Houston Police Department reported that conversion to the NIBRS would have a significant fiscal impact on the department, as it may require a significant rewrite of the current Records Management System.

The bill's requirement to establish and operate the South Texas Crime Information Center presumably would result in costs to the two affected law enforcement agencies as well as the affected municipality, to the degree the municipality opts to provide resources for the Center.

There may be costs to local governments associated with prosecution, confinement, enforcement of a new offense. Harris County reported that the creation of a new offense related to the smuggling of persons may create an additional 3,000 jail bookings per year; the cost for county jail bed stays, averaging 30 days per inmate, and processing fees would be \$5,130,000 per year.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 301 Office of the Governor, 302 Office of the Attorney General, 304 Comptroller of Public Accounts, 327 Employees Retirement System, 405 Department of Public Safety

LBB Staff: UP, ESi, AI, JAW, KVe

LEGISLATIVE BUDGET BOARD
Austin, Texas

CRIMINAL JUSTICE IMPACT STATEMENT

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: HB11 by Bonnen, Dennis (Relating to the powers and duties of the Texas Department of Public Safety, military and law enforcement training, and the investigation, prosecution, punishment, and prevention of certain offenses; creating an offense and increasing a criminal penalty; authorizing fees.), **Committee Report 2nd House, Substituted**

The bill would amend the Penal Code to prohibit certain behaviors for pecuniary benefit under the offense of smuggling of persons. The bill would also create the new offense of continuous smuggling of persons and include this offense among other offenses eligible for prosecution under the offense of engaging in organized criminal activity. The bill would enhance the punishment for certain individuals convicted of engaging in organized criminal activity related to continuous smuggling of persons.

Under the provisions of the bill, smuggling of persons, continuous smuggling of persons, and engaging in organized activity related to continuous smuggling of persons would be punishable at various felony levels, depending on the circumstance of the offense.

In fiscal year 2014, 344 people were arrested, 24 were placed under felony community supervision, and 20 were admitted into correctional institutions for the offense of smuggling of persons. This analysis assumes the bill's provisions related to the offense of smuggling of persons would not significantly impact state correctional populations, programs, or workloads.

The provisions of the bill which create the new offense of continuous smuggling of persons are not anticipated to significantly impact state correctional populations, programs, or workloads.

In fiscal year 2014, 3,761 people were arrested, 348 were placed under felony community supervision, and 524 were admitted into correctional institutions for the offense of engaging in organized criminal activity. There are many offenses eligible for prosecution under the offense of engaging in organized criminal activity, but no statewide data exist to indicate which specific offense was applicable to each person. The bill's provisions related to continuous smuggling of persons as an offense eligible for prosecution under the offense of engaging in organized criminal activity and related penalty enhancements are not anticipated to significantly add to the population of people currently arrested or convicted under the existing engaging in organized criminal activity statute and are not expected to significantly impact state correctional populations, programs, or workloads.

Source Agencies:

LBB Staff: UP, LM, ESi

LEGISLATIVE BUDGET BOARD
Austin, Texas

CRIMINAL JUSTICE IMPACT STATEMENT

84TH LEGISLATIVE REGULAR SESSION

May 18, 2015

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

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB11 by Bonnen, Dennis (Relating to the powers and duties of the Texas Department of Public Safety and the investigation, prosecution, punishment, and prevention of certain offenses; creating an offense and increasing a criminal penalty.), **As Engrossed**

The bill would amend the Penal Code to prohibit certain behaviors for pecuniary benefit under the offense of smuggling of persons. The bill would also create the new offense of continuous smuggling of persons and include this offense among other offenses eligible for prosecution under the offense of engaging in organized criminal activity. The bill would enhance the punishment for certain individuals convicted of engaging in organized criminal activity related to continuous smuggling of persons.

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Source Agencies:

LBB Staff: UP, ESi, LM

LEGISLATIVE BUDGET BOARD

Austin, Texas

CRIMINAL JUSTICE IMPACT STATEMENT

84TH LEGISLATIVE REGULAR SESSION

March 13, 2015

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

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB11 by Bonnen, Dennis (Relating to the powers and duties of the Texas Department of Public Safety and the investigation, prosecution, punishment, and prevention of certain offenses; creating an offense and increasing a criminal penalty.), **Committee Report 1st House, Substituted**

The bill would amend the Penal Code to prohibit certain behaviors for pecuniary benefit under the offense of smuggling of persons. The bill would also create the new offense of continuous smuggling of persons and include this offense among other offenses eligible for prosecution under the offense of engaging in organized criminal activity. The bill would enhance the punishment for certain individuals convicted of engaging in organized criminal activity related to continuous smuggling of persons.

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Source Agencies:

LBB Staff: UP, ESi, LM

LEGISLATIVE BUDGET BOARD
Austin, Texas

CRIMINAL JUSTICE IMPACT STATEMENT

84TH LEGISLATIVE REGULAR SESSION

March 10, 2015

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

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB11 by Bonnen, Dennis (Relating to the powers and duties of the Texas Department of Public Safety and the investigation, prosecution, punishment, and prevention of certain offenses; creating an offense and increasing a criminal penalty.), **As Introduced**

The bill would amend the Penal Code to prohibit certain additional behaviors, remove certain defenses to prosecution, and enhance certain punishments under the offense of smuggling of persons. The bill would also create the new offense of continuous smuggling of persons and include this offense among other offenses eligible for prosecution under the offense of engaging in organized criminal activity. Under the provisions of the bill, smuggling of persons, continuous smuggling of persons, and engaging in organized activity related to continuous smuggling of persons would be punishable at various felony levels, depending on the circumstance of the offense.

In fiscal year 2014, 344 people were arrested, 24 were placed under felony community supervision, and 20 were admitted to correctional institutions for the offense of smuggling of persons. The probable impact of implementing the bill's provisions which amend this section of the Penal Code cannot be determined due to the unavailability of reliable data related to the proposed changes to the offense of smuggling of persons. The additional prohibited behaviors, removal of certain defenses to prosecution, and certain punishment enhancements could significantly expand the number of persons subject to prosecution under the offense of smuggling of persons. This expansion could result in a significant impact on state correctional agencies, though the impact's extent cannot be determined.

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Source Agencies:

LBB Staff: UP, ESi, LM