

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION

April 15, 2003

TO: Honorable Terry Keel, Chair, House Committee on Criminal Jurisprudence

FROM: John Keel, Director, Legislative Budget Board

IN RE: HB2703 by Bailey (Relating to admissibility of evidence examined and tested by a crime laboratory.), **Committee Report 1st House, Substituted**

Estimated Two-year Net Impact to General Revenue Related Funds for HB2703, Committee Report 1st House, Substituted: a negative impact of (\$1,274,346) through the biennium ending August 31, 2005.

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
2004	(\$1,016,673)
2005	(\$257,673)
2006	(\$257,673)
2007	(\$257,673)
2008	(\$257,673)

All Funds, Five-Year Impact:

Fiscal Year	Probable Revenue Gain/(Loss) from GENERAL REVENUE FUND 1	Change in Number of State Employees from FY 2003
2004	(\$1,016,673)	1.0
2005	(\$257,673)	1.0
2006	(\$257,673)	1.0
2007	(\$257,673)	1.0
2008	(\$257,673)	1.0

Fiscal Analysis

The bill would amend the Code of Criminal Procedure as it relates to admissibility of evidence from unaccredited crime laboratories and authorizes the Director of the Department of Public Safety to establish rules for crime laboratory accreditation.

Methodology

The Department of Public Safety (DPS) reports crime laboratories and other entities conducting the analysis of physical evidence for forensic purposes would include breath-testing programs. Currently, DPS is responsible for issuing certificates, certifying that an individual is qualified to perform the breath analysis. DPS reports that its program would have to comply with saving samples of all breath tests which would require equipment to implement the provisions of the bill. DPS estimates there

are 30,000 breath tests acquired each year and there are 25 breath test supervisors employed by DPS. Each technical supervisor will need a gas chromatograph to save and test samples because the intoxilyzer is not capable of performing the test at a cost of \$750,000 the first year (25 Gas Chromatographs x \$30,000 each). Additionally, the erasable programming in the intoxilyzer would need to be reprogrammed to allow the intoxilyzer to store the sample as required by the bill. It is estimated that 75 hours at \$120 per hour (\$9,000) would be necessary to reprogram the instruments for the stated purpose. In addition, continuing costs involving the retention of the breath samples requires six silica tubes per breath test. The Department conducts approximately 30,000 tests per year resulting in 180,000 silica tubes. The cost is calculated at 30,000 tests x 6 tubes x \$1 per tube = \$180,000. The annual repair and expendable supplies for the Gas Chromatographs is estimated at \$10,000 per year. The total cost would be \$949,000 the first year and \$190,000 each subsequent year.

DPS reports it would need one FTE to administer and maintain all records for accreditation for all laboratories and other entities at a cost of \$67,673.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 405 Department of Public Safety

LBB Staff: JK, WP, WK, VDS, AR