

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

March 8, 2005

TO: Honorable Joe Driver, Chair, House Committee on Law Enforcement

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

IN RE: HB544 by Naishtat (Relating to the right of certain sexual assault victims to a forensic medical examination.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend the Code of Criminal Procedure to provide as a right to a victim of a sexual assault the right to a forensic medical examination if the victim reported the sexual assault to a law enforcement agency within 96 hours of the assault, unless the victim has made one or more false reports of sexual assault. The bill would take effect September 1, 2005 and would apply only to a report of sexual assault on or after that date.

The investigating law enforcement agency pays for forensic medical tests in cases of sexual assault, and the victim or their insurance pays for other medical treatment required as a result of the assault. Law enforcement agencies may apply to the Office of the Attorney General (OAG) for reimbursement for the reasonable costs of the examination. The annual cost to the law enforcement agency would depend on the number of sexual assaults that meet the criteria of the provisions of the bill and whether the agency receives reimbursement from the OAG.

According to the Crime Records Bureau, there were 7,986 rapes reported statewide in calendar year 2003. According to the Health and Human Services Commission, the average cost of a forensic medical examination is \$150, although the cost varies depending on a number of medical and legal factors.

Provisions of the bill are not expected to significantly increase the number of forensic tests conducted and paid for by law enforcement agencies or reimbursed through the OAG's Crime Victim Services Division.

Local Government Impact

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

Source Agencies: 302 Office of the Attorney General, 405 Department of Public Safety, 529 Health and Human Services Commission

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