

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

March 30, 2005

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

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

IN RE: HB1788 by Bailey (Relating to the establishment of regional DNA laboratories.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for HB1788, As Introduced: a positive impact of \$9,624,600 through the biennium ending August 31, 2007.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2006	\$4,812,300
2007	\$4,812,300
2008	\$4,812,300
2009	\$4,812,300
2010	\$4,812,300

All Funds, Five-Year Impact:

Fiscal Year	Probable Revenue Gain/(Loss) from <i>GENERAL REVENUE FUND</i> 1
2006	\$4,812,300
2007	\$4,812,300
2008	\$4,812,300
2009	\$4,812,300
2010	\$4,812,300

Fiscal Analysis

The bill would amend the Government Code as it relates to the establishment of regional DNA laboratories.

The bill would require the director of the Department of Public Safety (DPS) to designate an existing accredited DNA laboratory operated by DPS as a regional DNA laboratory if a DNA laboratory that is accredited by DPS does not exist in the region. A fee may be collected from a political subdivision or person for whom a regional DNA laboratory performs a forensic analysis. The fee collected may only be used to defray the costs of maintaining a regional DNA laboratory and performing forensic analyses at a regional DNA laboratory.

The bill would also require physical evidence subjected to a forensic analysis, and testimony regarding the evidence, to be inadmissible in a criminal case if the crime laboratory or other entity conducting the analysis was not accredited or designated as a regional DNA crime laboratory by DPS.

The bill would take effect immediately if it receives the requisite two-thirds vote in each house; otherwise, it would take effect September 1, 2005.

Methodology

DPS reports that it currently has eight regional DNA laboratories. Thus, there would not be a significant impact to the state for the establishment of regional DNA laboratories.

Revenue would be generated from assessing the cost to perform a forensic analysis back to the submitting agencies. DPS estimates fees at \$1,500 per case for DNA analysis and \$400 per case for serology screening with no DNA analysis. In 2004, DPS reports that the DPS DNA laboratories performed serology screening on a total of 3,616 forensic cases and completed DNA analysis on 2,523 cases. Of the work performed, DPS reports that 92 percent was performed for city and county law enforcement agencies. With 2,321 (2,523 X 92 percent) DNA cases per year and 3,327 (3,616 X 92 percent) serology cases per year, the estimated revenue would be \$4,812,300 ((3,327 serology cases X \$400) + (2,321 DNA cases X \$1,500)) per fiscal year.

Local Government Impact

Local governments would be responsible for paying the Department of Public Safety for forensic analysis conducted by a regional DNA laboratory for the local government. The cost to a specific political subdivision would depend on the number of cases submitted and the type of analysis requested.

Source Agencies: 405 Department of Public Safety

LBB Staff: JOB, VDS, SJ, KJG