

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION**

**May 20, 2005**

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

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

**IN RE: SB1263** by Whitmire (Relating to the creation of a commission to ensure the quality of forensic science.), **Committee Report 2nd House, Substituted**

**Estimated Two-year Net Impact to General Revenue Related Funds** for SB1263, Committee Report 2nd House, Substituted: a negative impact of (\$164,932) through the biennium ending August 31, 2007.

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
2006	(\$85,741)
2007	(\$79,191)
2008	(\$79,191)
2009	(\$79,191)
2010	(\$79,191)

**All Funds, Five-Year Impact:**

Fiscal Year	Probable Savings/(Cost) from <i>GENERAL REVENUE FUND</i> 1	Change in Number of State Employees from FY 2005
2006	(\$85,741)	1.0
2007	(\$79,191)	1.0
2008	(\$79,191)	1.0
2009	(\$79,191)	1.0
2010	(\$79,191)	1.0

**Fiscal Analysis**

The bill would create the Texas Forensic Science Commission (commission) to develop and implement a professional misconduct reporting system for all laboratories, facilities, or entities (entities) that conduct forensic analyses and would require the commission to investigate reports of professional negligence and misconduct in a timely manner. The commission would make recommendations to the Governor, Lieutenant Governor, and Speaker of the House of Representatives concerning ways to improve quality assurance procedures at and the reliability of forensic analyses from laboratories, facilities, or entities that conduct forensic analyses.

The bill would authorize the commission to contract with any person the commission determines to be independent from and not otherwise associated with an entity being investigated and qualified to assume the duties of investigating professional negligence and misconduct.

The bill would require a laboratory, facility, or entity being investigated to pay all reasonable costs incurred by the commission in conducting the investigation and any follow-up evaluations of the entity.

Members of the commission would not be authorized to receive compensation but would be eligible to receive reimbursement for travel expenses. The bill would require the Texas Legislative Council, the Legislative Budget Board, and the University of Texas at Austin to assist the commission in performing its duties. The bill would take effect September 1, 2005.

For the State of Texas to continue to qualify for federal dollars under the Paul Coverdell Forensic Sciences Improvement Grant Program, an independent external entity within state government must have a process in place to conduct investigations into allegations of serious negligence or misconduct affecting the integrity of laboratories, facilities and other entities in the state that conduct forensic analyses used in criminal proceedings. The state was awarded \$448,887 through the Coverdell Grant Program in March 2005.

### **Methodology**

Although the legislation does not specify staff for the commission, one full-time staff has been included in the cost estimate for the development and implementation of a reporting system for professional negligence or misconduct allegations and coordination of investigations into allegations of negligence or misconduct. Salary costs are estimated at \$42,216 for each fiscal year. Benefits at 29.74 percent of salary costs are estimated at \$12,555 for each fiscal year. In addition to the technology costs outlined below, \$1,175 is allocated for office furnishings in fiscal year 2006. It is assumed that the three agencies directed to assist the commission would provide office space and cover other operational costs. Estimated costs for additional staff, excluding technology costs, total \$55,946 in fiscal year 2006 and \$54,771 for each fiscal year between 2007 and 2010.

Travel costs for the Texas Forensic Science Commission have been estimated based on current costs for similar commissions at \$185 per member per meeting. Assuming one meeting per month, the estimated travel costs for the commission are \$24,420 for each fiscal year.

It is assumed that the commission would delegate the duty of investigating allegations of professional negligence or misconduct by contracting with an independent entity. As proposed by the bill, a laboratory or facility under investigation would pay all reasonable costs incurred in conducting the investigation and any follow-up investigations.

### **Technology**

Estimated costs are \$5,375 in fiscal year 2006 for computer equipment, printers, LAN connections and programming.

### **Local Government Impact**

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

**Source Agencies:** 103 Legislative Council, 720 The University of Texas System Administration

**LBB Staff:** JOB, KJG, VDS, BT