

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

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

**April 7, 2005**

**TO:** Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

**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 1st House, Substituted**

**Estimated Two-year Net Impact to General Revenue Related Funds** for SB1263, Committee Report 1st House, Substituted: a negative impact of (\$267,396) 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	(\$140,248)
2007	(\$127,148)
2008	(\$127,148)
2009	(\$127,148)
2010	(\$127,148)

**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	(\$140,248)	2.0
2007	(\$127,148)	2.0
2008	(\$127,148)	2.0
2009	(\$127,148)	2.0
2010	(\$127,148)	2.0

**Fiscal Analysis**

The bill would create the Texas Forensic Science Commission (Commission) to develop and implement an accreditation process and professional misconduct reporting system for all laboratories, facilities, or entities (entities) that conduct forensic analyses. All entities that conduct forensic analyses would have to be accredited by the Commission and must report professional negligence and misconduct to be investigated by the Commission in a timely manner.

The bill would authorize the Commission to contract with any person the Commission determines to be qualified to assume the duties of developing and implementing the accreditation process and reporting system; accrediting laboratories and facilities; and investigating professional negligence and misconduct on the part of accredited entities.

The bill would authorize the Commission to require an accredited entity to pay any costs arising from compliance with the requirement that an investigation of professional negligence or misconduct include preparation of a written report identifying the alleged negligence or misconduct, whether any negligence or misconduct occurred, and any corrective action that resulted.

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 also amend the Code of Criminal Procedure by requiring any forensic analysis of physical evidence be conducted by an entity that is accredited by the Texas Forensic Science Commission rather than the Texas Department of Public Safety (DPS). Otherwise, the evidence and testimony regarding the evidence would be inadmissible in a criminal case. Two sections of the Government Code would be repealed that direct DPS to establish an accreditation process for entities conducting forensic analyses of physical evidence for use in criminal proceedings and to regulate DNA testing and DNA laboratories. The bill would take effect September 1, 2005.

For the State of Texas to continue to qualify for federal funding 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, two full-time staff have been included in the cost estimate to coordinate the Commission's work related to the development and implementation of an accreditation process and reporting system for professional negligence or misconduct allegations, accreditation of the laboratories and other entities, and investigations into allegations of negligence or misconduct. Salary costs are estimated at \$ 79,180 for each fiscal year. Benefits at 29.74 percent of salary costs are estimated at \$23,548 for each fiscal year. In addition to the technology costs outlined below, \$2,350 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 other operating expenses. Estimated costs for additional staff, excluding technology costs, total \$105,078 in fiscal year 2006 and \$102,728 for subsequent fiscal years. The Commission may choose to use these funds to contract for the responsibilities outlined above.

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 require reimbursement for costs associated with investigations of negligence and misconduct from the accredited entity under investigation.

### **Technology**

Estimated costs are \$10,750 in fiscal year 2006 for computer equipment, printers, LAN connections and programming to support additional staff.

### **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