

# LEGISLATIVE BUDGET BOARD

Austin, Texas

## FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

April 29, 2005

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

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

**IN RE: SB1265** by Whitmire (Relating to establishing standards for analysis of tests for controlled substances required of defendants placed on community supervision.), **As Engrossed**

**No significant fiscal implication to the State is anticipated.**

The bill would require a community supervision and corrections department (CSCD) to send a sample or specimen taken as part of a test for controlled substances required of a defendant placed on community supervision to a laboratory that is certified by the Substance Abuse and Mental Health Services Administration (SAMHSA) of the U.S. Department of Health and Human Services. The bill would take effect September 1, 2005.

### Local Government Impact

Currently, most CSCDs conduct drug testing on premise and send specimens to certified labs only for confirmation of positive results. If an offender has the ability to pay, some are required to pay a portion of the costs for the confirmation testing. The cost for tests varies depending on which type of test a CSCD uses and for how many drugs a particular test screens, but, according to a sampling of CSCDs, ranges from around \$1 to \$8.50 per in-house test. The CSCDs also report that there is not a SAMHSA laboratory located within close proximity of every CSCD. SAMHSA laboratories currently test for five drugs only; therefore, drug testing outside of those five drugs could not be submitted.

According to data gathered by the Community Justice Assistance Division of the Texas Department of Criminal Justice, the CSCDs combined statewide administered 1,768,728 drug tests in fiscal year 2003. Using an average of \$5 per test (based on costs reported by various CSCDs), the total cost for tests conducted in fiscal year 2003 was approximately \$8,843,640 ( $\$5 \times 1,768,728$ ). If the same number of tests were to be administered in fiscal year 2006 and were required to be submitted to a SAMHSA laboratory, at an average cost of \$25, the total cost would be \$44,218,200 ( $\$25 \times 1,768,728$ ), which would be a cost increase of \$35,374,560 per year.

As an example of the impact to individual CSCDs, Travis County reports that the proposed change in statute would result in an annual cost increase of \$936,000. The CSCD administered approximately 41,600 tests at \$2.50 each. Their estimate assumes the tests through a SAMHSA laboratory would cost \$25 each.

The 24th Judicial District CSCD, comprised of Calhoun, DeWitt, Goliad, Jackson, Refugio, and Victoria counties spent \$50,655 in fiscal year 2004 for in-house drug testing and confirmations sent to a certified lab combined. If all tests must be sent to a SAMHSA laboratory, it is estimated that the costs would increase by \$426,585 annually.

The Fort Bend County CSCD estimates the department would incur \$330,000 in increased costs per year for drug testing under the provisions of the bill. The Williamson County CSCD estimates the costs would double from \$60,000 to \$120,000 annually.

The Jefferson County CSCD conducted over 20,000 drug tests in-house in fiscal year 2004. If those tests were to be sent to a SAMHSA certified lab, the cost would be \$500,000, assuming \$25 per test,

although some CSCDs reported paying up to \$45 per test when submitted for confirmation testing.

If a CSCD has an in-house lab, according to the San Patricio County CSCD, adapting the lab to become SAMHSA certified so that testing could continue to occur in-house, would cost approximately \$100,000 per year.

**Source Agencies:** 696 Department of Criminal Justice

**LBB Staff:** JOB, KJG, VDS, DLBa, AM