

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

March 24, 2007

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

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

IN RE: HB2832 by Driver (Relating to the powers and duties of the Texas Forensic Science Commission.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Code of Criminal Procedure relating to the powers and duties of the Texas Forensic Science Commission.

The bill would amend the Code of Criminal Procedure, Article 38.01, by further defining the terms "Department", "Director" and "forensic laboratory". The bill would amend the powers and duties of the Forensic Science Commission stating the commission shall develop and implement a system through which a person may report and provide any available evidence of professional negligence or misconduct with respect to the conducting of forensic analysis by a forensic laboratory. Credible and substantive allegations will be reported to the Director of Department of Public Safety (DPS) for investigation by the agency or a contracted entity accredited by the American Society of Crime Laboratory Directors. The bill provides travel reimbursement for commission members to be made by DPS and that DPS will assist the commission by providing office space and other necessary support. The bill states DPS will submit investigation reports to the Governor, Lieutenant Governor, and Speaker of the House of Representatives by December 1 of each even numbered year. The bill states that DPS may adopt rules to administer its powers under this article.

The bill would authorize the Director of DPS to suspend the accreditation of a laboratory for: failing to cooperate with an investigation, failing to fully implement recommendations for corrective actions provided under Article 38.01, or for any reason the Director considers appropriate. The bill also exempts information relating to an investigation by the Texas Forensic Science Commission from Section 552.021 if its release would interfere with an investigation of the alleged professional negligence or misconduct. The bill would take effect on September 1, 2007.

DPS states the fiscal impact would cost the state \$90,341 in 2008 and \$84,710 in 2009 including 1 full-time-equivalent to implement the provisions of the bill. It is assumed the DPS costs could be absorbed within the agency's current appropriations and therefore would not result in a significant fiscal impact to the state.

Local Government Impact

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

Source Agencies: 405 Department of Public Safety

LBB Staff: JOB, ES, GG, LG