

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

May 19, 2007

TO: Honorable Jerry Madden, Chair, House Committee on Corrections

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

IN RE: **SB1347** by Patrick, Dan (Relating to a mandatory DNA record for individuals convicted of certain offenses or adjudicated as having engaged in conduct constituting the commission of certain offenses.), **Committee Report 2nd House, Substituted**

Estimated Two-year Net Impact to General Revenue Related Funds for SB1347, Committee Report 2nd House, Substituted: a negative impact of (\$5,811,450) through the biennium ending August 31, 2009.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2008	(\$2,870,650)
2009	(\$2,940,800)
2010	(\$2,912,000)
2011	(\$2,976,800)
2012	(\$3,042,000)

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from GENERAL REVENUE FUND 1	Probable Savings/(Cost) from STATE HIGHWAY FUND 6
2008	(\$2,870,650)	(\$5,017,670)
2009	(\$2,940,800)	(\$1,868,659)
2010	(\$2,912,000)	(\$1,868,659)
2011	(\$2,976,800)	(\$1,868,659)
2012	(\$3,042,000)	(\$1,868,659)

Fiscal Year	Change in Number of State Employees from FY 2007
2008	8.0
2009	8.0
2010	8.0
2011	8.0
2012	8.0

Fiscal Analysis

The bill would amend the Government Code by expanding the scope of collecting DNA samples from adult and juvenile offenders beyond those who are incarcerated and provides revision of current statutory language. Provisions in the bill would apply to persons who commit the applicable offenses

on or after September 1, 2007, the effective date of this Act. The bill makes provisions for adults and juveniles separately. The bill provides for expanding the DNA sampling to include offenders convicted of a felony from community supervision and corrections department (CSCDs), parolees, felony adjudicated youth in non-Texas Youth Commission (TYC) facilities, juvenile probationers, and those youth committed to TYC and who have received federal or other state's felony adjudications. The bill would amend the Code of Criminal Procedure by requiring that a DNA sample be obtained for any person convicted of a felony. A defendant convicted of a felony, as a condition of community supervision, is to provide a DNA sample for the purpose of creating a DNA record, unless the defendant has already submitted the required sample under other state law. The bill would require a parole panel, as a condition of parole or mandatory supervision, that a releasee convicted of a felony provide a DNA sample for the purpose of creating a DNA record. The bill would amend the Family Code and Human Resources Code by requiring that a DNA sample of a juvenile be obtained from any youth who is: 1) adjudicated for commission of a felony; 2) committed to the Texas Youth Commission and ordered by the juvenile court to provide a DNA sample; and 3) committed to the TYC for an adjudication for a misdemeanor if it occurred in this state, or if from another state or under federal law the juvenile has previously been adjudicated for the commission of a felony.

Methodology

Current provisions in the Government Code provide that a DNA sample be collected from an individual confined in a penal institution operated by or under contract with the Texas Department of Criminal Justice, or a juvenile who is, after being adjudicated for conduct constituting a felony, confined in a facility operated by or under contract with the Texas Youth Commission. The provisions of this bill would broaden the collection of a DNA sample to apply to offenders placed on felony probation supervised by community supervision and corrections departments. The bill would also include juveniles adjudicated for a felony offense supervised by county juvenile probation departments. Provisions in the bill would apply to persons who commit the applicable offenses on or after September 1, 2007, the effective date of this Act.

The Department of Public Safety (DPS) has determined that the costs associated with implementing the bill to be \$5.0 million in Highway Fund 6 (\$3.1 million in fiscal year 2008 and \$1.9 million in fiscal year 2009). The DPS currently receives DNA samples from adult and juvenile felons placed on probation or parole for sexual related offenses. According to records provided by the Texas Department of Criminal Justice (TDCJ) and the Texas Juvenile Probation Commission (TJPC), the DPS estimates that the number of DNA samples submitted to DPS will increase by approximately 61,245. The increase of DNA submissions will require DPS to increase the Combine DNA Information System (CODIS) laboratory space, personnel, DNA reagents, and equipment. These costs over the biennium would include: \$0.8 million for eight (8) additional laboratory personnel, \$1.3 million for equipment, \$2.7 million for the DNA reagents, and \$54,000 for additional laboratory space.

The Department of Criminal Justice estimates the costs associated with implementing the bill to be approximately \$5.8 million in General Revenue during fiscal year 2008 and 2009. The costs include collecting DNA samples from new felony probationers at an estimated \$50 per DNA sample. In fiscal year 2006, there were 56,573 new felony probationers. Based on the Legislative Budget Board January 2007 population projections, it is estimated that there will be approximately 57,413 new felony probationers in fiscal year 2008, approximately 58,816 new felony probationers in fiscal year 2009, 58,240 new felony probationers in fiscal year 2010, approximately 59,536 new felony probationers in fiscal year 2011, and approximately 60,840 new felony probationers in fiscal year 2012. Costs for collecting DNA samples for adult felony probationers in the subsequent years are estimated to be approximately \$3.0 million per year. During fiscal year 2006, TDCJ collected DNA samples from 69,022 individuals confined in a penal institution operated by or under contract with the Texas Department of Criminal Justice; during fiscal year 2007 (through April 30, 2007), DNA samples were collected from 50,722 TDCJ inmates.

TDCJ estimates that there are currently 106,000 offenders on community supervision who have not submitted a DNA sample. If the intent of the bill is to collect DNA samples from the 106,000 current felony probationers who have not submitted samples, the cost would be an additional \$5.3 million (106,000 X \$50).

According to the Texas Youth Commission, DNA samples are currently collected for felony offenders. The TYC has determined that the costs associated with implementing the bill would not be significant and could be absorbed with current resources.

Local Government Impact

The Texas Juvenile Probation Commission (TJPC) has estimated that the costs associated with implementing the bill would impact local counties by approximately \$437,150 per year. TJPC estimates that the cost of collecting a DNA sample is \$50 per sample. During fiscal year 2006, approximately 8,743 juveniles from all counties ($8,743 \times \$50 = \$437,150$) were adjudicated for the commission of a felony offense, excluding felony sex offenders who currently are required to provide a DNA sample.

Harris County reported costs of \$1.6 million in fiscal year 2008, mostly for hiring and outfitting 21 new personnel. Three additional employees would be hired in fiscal year 2011; costs would rise to \$1.9 million by fiscal year 2012.

The Jefferson County Adult Probation Department reported requiring three new personnel at a cost of \$157,000 in fiscal year 2008. The Travis County Sheriff's Office reported new operational costs of \$1.9 million in fiscal year 2008 and each fiscal year afterwards to pay for an estimated 6,100 DNA tests at approximately \$319 each.

Dallas County, the Montgomery County Sheriff's Office, the Nueces County Sheriff's Office, and Tarrant County Juvenile Services reported that implementing the provisions of the bill would have no effect on their budgets.

Source Agencies: 405 Department of Public Safety, 696 Department of Criminal Justice, 665 Juvenile Probation Commission, 694 Youth Commission

LBB Staff: JOB, SDO, AI, ES, GG, KJG