

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

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**May 15, 2009**

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

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

**IN RE: HB2932** by Vaught (Relating to including in the computerized criminal history system certain forensic DNA test results that indicate the person committed another offense.), As Engrossed

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB2932, As Engrossed: an impact of \$0 through the biennium ending August 31, 2011.

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:**

<b>Fiscal Year</b>	<b>Probable Net Positive/(Negative) Impact to General Revenue Related Funds</b>
2010	\$0
2011	\$0
2012	\$0
2013	\$0
2014	\$0

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

<b>Fiscal Year</b>	<b>Probable Savings/(Cost) from State Highway Fund 6</b>
2010	(\$1,210,000)
2011	\$0
2012	\$0
2013	\$0
2014	\$0

**Fiscal Analysis**

The bill would amend the Code of Criminal Procedure and the Government Code to require that certain forensic DNA test results be included in the Computerized Criminal History (CCH) system. Section one of the bill would amend the Code of Criminal Procedure to require that a summary of any forensic DNA test results indicating a high likelihood that the defendant committed another offense, regardless of whether the defendant is arrested or charged with that offense, be included in the CCH information along with the offense code for that offense. This provision would apply to any defendant who has been arrested for or charged with any felony or misdemeanor offense, other than a misdemeanor offense punishable by fine only. Section two of the bill would amend the Government Code to include the summary information (if required by Article 60.051(g)(2), Code of Criminal Procedure) in the definition of "Criminal history record information". The bill would take effect

September 1, 2009.

## **Methodology**

The Department of Public Safety (DPS) indicates that the Combined DNA Index System (CODIS) Laboratory would need to be modified in order to comply with the provisions of the bill. Presently, the DPS CODIS Lab only captures a summary of forensic DNA test results when there is a match with a person, and that information is passed to the submitting agency or lab. DPS would need to modify the Criminal History File to capture the additional information, and create an interface with the DNA CODIS database to populate the new fields. DPS also would need to modify the public Criminal History website to display the new data.

The Computerized Criminal History (CCH) system does not currently interact with any automated systems that compile summary forensic DNA test results by state or local agencies. The DNA CODIS Laboratory currently retains information regarding search results confirming a match against an existing, stored DNA record. The bill would require the sending of a CODIS database match report, which links an offender with an unsolved crime, to the Crime Records Service (CRS) for inclusion in the offender's CCH file, along with the Penal Code offense number identifying the unsolved crime. The agency requested one full-time equivalent to perform the modifications, but this analysis assumes that the necessary programming could be completed by existing personnel.

## **Technology**

The CCH system will need to be modified to store new data types. DPS estimates the cost of the modifications to be \$893,750 (5,000 hours multiplied by \$178.75 per hour) in fiscal year 2010. Additionally, the DPS Public CCH website will need to be modified to present new data types. DPS estimates the cost of the modifications to be \$316,250 (2,500 hours multiplied by \$126.50 per hour) in fiscal year 2010.

## **Local Government Impact**

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

**Source Agencies:** 405 Department of Public Safety

**LBB Staff:** JOB, ESi, GG, MWU