

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

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

**March 31, 2009**

**TO:** Honorable Pete Gallego, Chair, House Committee on Criminal Jurisprudence

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

**IN RE: HB4386** by Vaught (Relating to the creation of DNA records for the DNA database system.),  
**As Introduced**

<b>Estimated Two-year Net Impact to General Revenue Related Funds</b> for HB4386, As Introduced: an impact of \$0 through the biennium ending August 31, 2011.
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**General Revenue-Related Funds, Five-Year Impact:**

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

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

Fiscal Year	Probable (Cost) from <i>State Highway Fund</i> 6	Change in Number of State Employees from FY 2009
2010	(\$2,197,948)	6.0
2011	(\$1,850,886)	6.0
2012	(\$1,850,886)	6.0
2013	(\$1,858,512)	6.0
2014	(\$1,850,886)	6.0

**Fiscal Analysis**

The bill would amend Government Code, Section 411, the Code of Criminal Procedure, Article 42.12, and the Family Code, Chapter 54. The bill would revise the definition of criminal justice agency to include federal and state agencies engaged in the administration of criminal justice; secure correctional facilities; community supervision and corrections departments; parole officers; and local juvenile probation departments. The bill would require courts to order DNA testing as a condition of probation for adults convicted of a felony and placed on community supervision, and juveniles adjudicated as having engaged in conduct constituting a felony and placed on juvenile probation. The bill would require the agency that has custody or supervision of the person to collect the sample.

The bill would repeal Government Code, Section 411.148 (e) regarding TYC's notification responsibility of a juvenile's release. The bill would require TYC to notify the director of the Department of Public Safety (DPS) of the release of a juvenile described above not earlier than the 120<sup>th</sup> day before the release date and not later than the 90<sup>th</sup> day before the juvenile's release. The bill

would take effect September 1, 2009.

### **Methodology**

The Juvenile Probation Commission (JPC), the Department of Criminal Justice (TDCJ), and TYC anticipate no fiscal implication to the State. DPS anticipates a cost of \$2,197,948 in State Highway Fund 6 in fiscal year 2010 and \$1,850,886 in fiscal year 2011, with total costs of \$9,609,118 for all five years of this analysis.

DPS estimates 60,000 additional samples per year as a result of the bill. The agency reports that additional equipment, including an automated swab punching system, four DNA extraction robots, and one liquid handling robot totaling \$344,397 would be needed in the first year with continuing equipment costs of \$7,626 in future years. DPS anticipates the need for six additional full-time-equivalents (FTEs) with \$506,344 in salaries and wages, \$144,662 in benefits, and \$5,000 in travel in fiscal years 2010-11 with continuing FTE related costs of \$984,009 in future years.

### **Technology**

The fiscal impact of technology for DPS is estimated at \$12,552 in fiscal years 2010-11, with continuing costs of \$10,308 in future years.

### **Local Government Impact**

JPC estimates the impact to local juvenile probation departments would be \$158,738 per year for the cost of blood draws. TDCJ reports that local Community Supervision and Corrections Departments may have an undetermined fiscal impact resulting from administering the DNA collection depending on the type of collection required.

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

**LBB Staff:** JOB, ESi, AI, TP, GG