

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

April 13, 2011

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

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

IN RE: HB1726 by Hernandez Luna (Relating to the creation of DNA records for the DNA database system and to an offense involving the release of a DNA sample to an unauthorized recipient.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for HB1726, As Introduced: an impact of \$0 through the biennium ending August 31, 2013.

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:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2012	\$0
2013	\$0
2014	\$0
2015	\$0
2016	\$0

All Funds, Five-Year Impact:

Fiscal Year	Probable (Cost) from <i>State Highway Fund</i> 6
2012	(\$11,159,595)
2013	(\$12,682,964)
2014	(\$20,974,108)
2015	(\$23,912,511)
2016	(\$23,897,628)

Fiscal Year	Change in Number of State Employees from FY 2011
2012	51.2
2013	51.2
2014	102.4
2015	102.4
2016	102.4

Fiscal Analysis

The bill would amend the Family Code to require juvenile defendants placed on deferred prosecution for certain offenses to submit a DNA sample.

The bill would amend the Family Code, Section 54.0462(a) to require that any juvenile alleged to have engaged in or been adjudicated for certain delinquent conduct that constitutes a felony and is required to submit a DNA sample, that the juvenile shall pay a \$34 fee if the disposition of the case involves probation or deferred prosecution.

The bill would amend the Government Code to require the Department of Public Safety (DPS) to develop and maintain a computerized system to minimize duplicate DNA sample collection and testing. The bill would expand the list of applicable defendants required to provide a DNA sample from the current requirement of certain felony offenses, to all offenses classified as Class B Misdemeanors or higher and offenders receiving deferred adjudication for certain crimes. The bill includes guidelines for the expunction and destruction of certain DNA samples.

The bill would take effect September 1, 2011, with certain provisions enacted on January 1, 2012, and other provisions enacted on January 1, 2014.

Methodology

In fiscal year 2010, the Department of Public Safety (DPS) processed 68,370 DNA samples. In fiscal year 2010, there were 671,633 adult arrests for Class B Misdemeanor offenses or higher. The bill would require DPS to process approximately 600,000 additional DNA samples per year once the provisions of the bill are fully implemented. DPS indicates their current staff has the ability to process approximately 100,000 DNA samples per year, so the bill would increase the workload related to DNA sample processing six-fold upon full implementation. This would require additional FTEs and a one-time purchase of additional equipment necessary to process the additional DNA samples. The Texas Juvenile Probation Commission (TJPC) estimates the additional juvenile defendants applicable to the bill's provisions would not be significant.

Assuming an approximate six-fold increase in workload related to processing DNA samples, DPS would require a total of 102.4 additional FTEs with associated costs, including 51 Combined DNA Index System (CODIS) analysts, 21 Crime Laboratory Specialist Is, 2 Forensic Scientist IVs, 5 Program Specialist Is, 1 Administrative Assistant I, 11 Fingerprint Technician IIs, and 11.4 Accountant Vs. The bill would also require a one-time purchase of additional equipment used to process the DNA samples, estimated at \$6,951,820. Additionally, the processing of each DNA sample costs \$26.96 for consumable supplies such as disposable items and chemicals. Due to the staggered implementation dates contained in the bill, DPS estimates the costs for these supplies at approximately \$3.6 million in fiscal year 2012, \$5.4 million in fiscal year 2013, \$12.7 million in fiscal year 2014, and \$16.3 million in fiscal years 2015 and 2016.

The staggered implementation dates contained in the bill will permit DPS to implement the provisions of the bill in a staggered manner. This analysis assumes DPS will require approximately one-half of the total resources necessary in fiscal years 2012 and 2013 and the full amount of necessary resources in fiscal years 2014-2016.

According to the Comptroller of Public Accounts (CPA), the revenue from the \$34 fee cannot be determined. The TJPC also estimated that there would not be a significant fiscal impact to the state. It is anticipated that \$34 fee would apply to small number of cases per year and therefore any revenue gain would not be significant.

Technology

DPS would require a one-time purchase of additional equipment used to process DNA samples, estimated at \$6,951,000. Half of the equipment would be purchased in fiscal year 2012, and the other half would be purchased in fiscal year 2013, estimated at \$3,475,500 each year.

Local Government Impact

The bill would require local law enforcement to obtain specimens from certain defendants to create a DNA record.

Texas Association of Counties (TAC) reported that several local law enforcement entities reported the provisions of the bill would not result in a significant fiscal impact. However, larger counties would likely see more costs associated with collecting and delivering the DNA sample to the state given the large increase in the number of individuals from whom samples would be required.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 304 Comptroller of Public Accounts, 405 Department of Public Safety, 665 Juvenile Probation Commission

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