

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

**FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION**

**April 19, 2011**

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

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

**IN RE: SB1616** by West (Relating to the collection, storage, preservation, retrieval, and destruction of biological evidence.), **As Introduced**

**Estimated Two-year Net Impact to General Revenue Related Funds** for SB1616, 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:**

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

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

<b>Fiscal Year</b>	<b>Probable Revenue Gain from <i>Biological Evidence Preservation Account, New</i></b>
2012	\$1,084,000
2013	\$2,821,000
2014	\$3,059,000
2015	\$3,317,000
2016	\$3,596,000

**Fiscal Analysis**

The bill would amend the Code of Criminal Procedure to require the Department of Public Safety (DPS) to adopt rules relating to the collection, storage, preservation, and retrieval of biological evidence. These rules would apply to certain governmental or public entities and individuals charged with the collection, storage, preservation, or retrieval of biological evidence.

The bill would amend the Code of Criminal Procedure by adding Article 102.021 which would require any offender convicted of a felony to pay a \$25 court cost for funding the preservation of biological evidence that would be remitted to the state. The bill would create a new General Revenue-Dedicated Account called the Biological Evidence Preservation Account where revenues from the new court cost would be deposited.

## **Methodology**

This analysis assumes the rules adopted by DPS would permit DPS to implement the provisions of the bill within existing appropriations.

The Office of Court Administration (OCA) reports that there were 163,913 felony convictions at the district court level in fiscal year 2010. The CPA estimated a revenue gain of \$1.0 million in fiscal year 2012, accounting for partial year implementation, and gains ranging from \$2.8 to \$3.6 million in subsequent years. The CPA based its revenue estimate on the five-year history of felony convictions at district courts from fiscal years 2005 to 2010 and adjusted for growth, indigency, implementation, and service fee retention by local governments. The court costs for criminal cases were multiplied by the total number of convictions and reduced to reflect historical non-collection rates.

## **Local Government Impact**

Counties are authorized to keep 10% of the court cost if they remit deposits to the Comptroller on a timely basis. The statewide annual revenue estimated to be retained by counties each year is \$163,913. Based on the implementation date of the bill and the timing of remittances to the State Comptroller's Office, revenue in the first year would be about half the annual amount - \$81,957.

The Department would have to create administrative rules relating to how biological evidence is collected, stored, preserved, and destroyed. Fiscal impact would vary depending in the specific rules adopted and current practices in a given locality.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council, 304 Comptroller of Public Accounts, 405 Department of Public Safety

**LBB Staff:** JOB, ESi, GG, TB, KKR, JJO