

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

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

**April 24, 2011**

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

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

**IN RE: SB1636** by Davis (Relating to the collection, analysis, and preservation of sexual assault or DNA evidence.), **As Introduced**

<b>Estimated Two-year Net Impact to General Revenue Related Funds</b> for SB1636, As Introduced: an impact of \$0 through the biennium ending August 31, 2013.
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**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 (Cost) from State Highway Fund 6</b>
2012	(\$11,891,460)
2013	(\$11,833,361)
2014	(\$403,317)
2015	(\$407,376)
2016	(\$403,317)

<b>Fiscal Year</b>	<b>Change in Number of State Employees from FY 2011</b>
2012	9.0
2013	9.0
2014	4.0
2015	4.0
2016	4.0

**Fiscal Analysis**

The bill would amend the Government Code and the Code of Criminal Procedure to provide guidelines regarding the collection and analysis of certain evidence. The bill would require the analysis of certain evidence with certain time frames and permit certain crime laboratories to contract with private crime laboratories to perform the analysis of evidence. The bill would require the

Department of Public Safety (DPS) to perform comparisons of biological evidence in certain databases. The bill would require law enforcement agencies to submit to DPS all sexual assault evidence from active criminal cases from September 1, 1996 forward that has not been analyzed or submitted for laboratory analysis. The bill would require DPS, to the extent funding is available, to analyze or contract for the analysis of all applicable sexual assault evidence submitted to DPS by September 1, 2014. The bill would take effect September 1, 2011.

### **Methodology**

DPS indicates the exact number of criminal cases since September 1, 1996 with unanalyzed sexual assault evidence cannot be determined. However, DPS estimates there are approximately 22,000 evidence samples that may be submitted from San Antonio, Houston, and Dallas. DPS indicates the agency would have to contract for the analysis of these backlogged cases in order to comply with the bill's provisions in amounts estimated at \$10,996,000 in both fiscal years 2012 and fiscal year 2013. The bill would also require additional employees to coordinate the contracting process and comply with the ongoing provisions of the bill beyond the clearance of the backlogged analyses. This analysis only includes DPS' estimate from San Antonio, Houston, and Dallas and does not include additional backlogged samples that would likely be submitted to DPS from other areas in the state and would require additional resources to analyze. The additional employees needed will be 8 Forensic Scientist IIs in fiscal years 2012 and 2013 and 3 Forensic Scientists in fiscal years 2014-2016. One additional Accountant V will be required in fiscal years 2012-16. All costs associated with the additional employees are also included in this analysis.

### **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, KKR