

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

**FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION**

**March 19, 2013**

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

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: SB767** by Patrick (Relating to the creation of DNA records for the DNA database system.),  
**As Introduced**

**Estimated Two-year Net Impact to General Revenue Related Funds** for SB767, As Introduced: a negative impact of (\$4,461,741) through the biennium ending August 31, 2015. This cost to General Revenue would be offset by an indeterminate increase in revenue from court costs.

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>
2014	(\$2,277,377)
2015	(\$2,184,364)
2016	(\$2,184,364)
2017	(\$2,184,364)
2018	(\$2,195,595)

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

<b>Fiscal Year</b>	<b>Probable Savings/(Cost) from General Revenue Fund</b>	<b>Change in Number of State Employees from FY 2013</b>
	<b>1</b>	
2014	(\$2,277,377)	9.0
2015	(\$2,184,364)	9.0
2016	(\$2,184,364)	9.0
2017	(\$2,184,364)	9.0
2018	(\$2,195,595)	9.0

**Fiscal Analysis**

This bill would amend the Government Code, Section 411.1471 regarding the Department of Public Safety and DNA records of persons charged with or convicted of certain felonies. The bill would change the word felonies in the section title to offenses. The bill would apply the DNA

sample and record requirement to a person convicted of a Class B misdemeanor or higher and to a person placed on deferred adjudication for public lewdness or indecent exposure. The bill would require that DNA samples collected by DPS for the purpose of creating a new DNA record be destroyed immediately after being entered into the DNA database.

The bill would amend the Code of Criminal Procedure, Article 102.020(a) to impose a court cost for DNA testing for persons convicted of certain crimes. Under current law, a \$50 court cost is assessed on a person convicted of public lewdness or indecent exposure. The bill would amend that provision to require a person convicted of a Class B misdemeanor or higher to pay the \$50 court cost, unless they were convicted of an offense that would mandate the payment of an existing \$250 court cost. The bill would require a person placed on deferred adjudication for public lewdness or indecent exposure to pay a \$34 court cost.

This bill would take effect September 1, 2013.

### **Methodology**

Historical records indicate approximately 55,000 convicted offenders per year would be required to provide a DNA sample for testing. The Texas Department of Public Safety (DPS) estimates nine new FTEs are required to meet the provisions of the bill. These nine FTEs would include five Forensic Scientists I to complete approximately 10,000 samples per year; one Program Specialist liaison with the agencies that would be submitting DNA samples from convicted misdemeanor defendants; one Crime Laboratory Specialist to receive and store the new DNA samples; and one Forensic Scientist VI to supervise the new staff. The agency estimates a total cost of \$631,035 in General Revenue per fiscal year for salary and benefits. The agency estimates a cost of \$1.5 million to \$1.6 million per fiscal year for other costs such as consumable supplies, equipment, travel, utilities and rent. The majority of these other costs are due to consumable supplies needed for processing DNA samples. The agency indicates these costs are \$27 per sample for a total cost of approximately \$1.5 million per fiscal year to process 55,000 DNA samples.

The Office of Court Administration (OCA) and the Comptroller of Public Accounts (CPA) indicates the impact to state revenue cannot be determined.

### **Local Government Impact**

Under the provisions of the bill, an offender convicted of a Class B misdemeanor or higher or placed on deferred adjudication for certain offenses would be required to submit a DNA specimen, which would place increased demands on local law enforcement to collect DNA samples. However, there would also be an increase in the number of fees assessed, which will result in increased revenue. Net fiscal impact to local governments is not anticipated to be significant.

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

**LBB Staff:** UP, ESi, AI, JJO