

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

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

**April 22, 2013**

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

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

**IN RE:** SB1439 by West (Relating to property and evidence technicians.), **As Introduced**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Occupations Code to stipulate rules governing the certification of evidence technicians. The bill would authorize individuals to seize stolen personal property under certain conditions. The bill would allow seized property of every kind to be sold if after a period of 90 days the owner does not claim the property. The Office of Court Administration has noted that while proceeds from the sale of the property through a public auction would normally benefit the contributing agency, the bill would authorize the real owner to file a claim for the proceeds with the local government within 30 days of the disposition.

The bill would stipulate the handling, disposition and destruction of seized property, gambling paraphernalia, contraband, explosives, alcohol, money and controlled substances. The bill would define certain duties of clerks of county courts. The bill would require biological evidence be retained and preserved for a period of not less than 40 years, unless certain conditions are met.

The bill would require the Department of Public Safety (DPS) to adopt standards for counties with populations under 10,000 for the preservation of biological evidence. The bill would require a law enforcement agency that receives sexual assault evidence to submit the evidence for testing by an accredited crime laboratory no later than the 30th day after the date on which the evidence was received. The bill would require DPS to compare the results of the testing with state and national DNA databases. The bill would require all crime laboratories and law enforcement agencies to adopt a policy on procedures involving destruction of seized property. The bill would stipulate the criteria included in chain of custody affidavits. The bill would require DPS to work with law enforcement agencies and associations, as well as scientific experts and certain organizations, when adopting the standards and rules on biological evidence required by the bill. The bill would require DPS have completed the promulgation of rules pertaining to biological evidence by September 1, 2014.

It is assumed the costs associated with the provisions of the bill could be absorbed within current appropriations. The bill would take effect September 1, 2013.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council, 405  
Department of Public Safety, 407 Commission on Law Enforcement  
Officer Standards and Education

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