

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

April 25, 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 evidence technician training and the disposition of certain evidence in a criminal case.), **Committee Report 1st House, Substituted**

<p>No significant fiscal implication to the State is anticipated.</p>
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The bill would amend the Code of Criminal Procedure to include biological evidence among the items that must be released to certain law enforcement entities. The bill would require law enforcement entities who are in possession of physical evidence seized in connection with a misdemeanor offense, including blood, to request a court or magistrate within a certain time period for authority to dispose of the evidence.

The bill would amend the Government Code to require the Department of Public Safety (DPS) and the Texas A&M Engineering Extension Service jointly to establish minimum requirements for evidence technician training programs. The bill would stipulate that an evidence training program must consist of at least eight hours of training. The bill would authorize DPS to adopt rules to accredit an evidence technician training program.

The bill would proscribe the employment of evidence handlers who have not completed an accredited evidence technician training program. The bill would allow individuals to act as evidence technicians on a temporary basis for a period not to exceed one year after the first anniversary of the date the person started work as an evidence technician. The bill would stipulate that continued employment as an evidence technician would require completion of an accredited evidence technician training program, or permission from DPS for the individual to continue serving on a temporary basis. The bill would exempt individuals who had been employed as evidence technicians prior to August 31, 2013 on a basis other than probationary or temporary from the requirement to complete an accredited evidence technician training program.

The bill would require DPS to issue a written acknowledgment of completion of an evidence technician training program to individuals who submit evidence of satisfactory completion to DPS.

It is assumed the costs associated with the provisions of the bill could be absorbed within current appropriations. The bill would take effect January 1, 2014.

Local Government Impact

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

Source Agencies: 405 Department of Public Safety, 710 Texas A&M University System Administrative and General Offices, 716 Texas A&M Engineering Extension Service, 212 Office of Court Administration, Texas Judicial Council, 407 Commission on Law Enforcement Officer Standards and Education

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