

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

**FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION**

**May 1, 2015**

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

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

**IN RE: HB941** by Hernandez (Relating to the creation of DNA records for the DNA database system.), **As Engrossed**

<b>No significant fiscal implication to the State is anticipated.</b>
---

The bill would amend the Code of Criminal Procedure to expand the category of cases to which a \$50 court cost for DNA Testing would apply to the conviction of the crime of enticing a child. The bill would also provide that all of the 90 percent (10 percent is retained by the county) of the \$50 fees currently collected for convictions of the crimes of public lewdness and indecent exposure, and the additional fees that will be collected for conviction of the crime of enticing a child (a new fee under this bill) that are remitted to the State would be credited to the Department of Public Safety (DPS) to help defray the cost of collecting and analyzing DNA samples. Under current law, 35 percent of the fees that go to the state are directed to the state highway fund and 65 percent are directed to the criminal justice planning account.

Under current law, when a person is convicted or placed on deferred adjudication for public lewdness and indecent exposure the court must require the defendant to provide samples for the creation of a DNA record. The bill would only require this upon conviction, not placement on deferred adjudication, and expands the provision to include conviction of the crime of enticing a child.

The bill also clarifies when a defendant is not required to provide a DNA sample if the defendant has already provided one under other law.

The Office of Court Administration indicates that any revenue losses to the state highway fund and the criminal justice planning account that are to be offset by General Revenue credits to DPS to defray the costs of collecting and analyzing DNA samples from the class of offenses, as described, are not anticipated to have a significant fiscal implication. DPS anticipates that any costs associated with the provisions of the bill can be absorbed within current agency resources.

The bill would take effect September 1, 2015.

**Local Government Impact**

There may be a slight positive fiscal impact to local government resulting from the \$50 fee being assessed for convictions of the crime of enticing a child. However, because of the collection rate and the minimal amount of the fee that is retained by the counties, any positive implication is not

expected 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, KVe, KJo, MW, TB, KKR, ESi, AI