

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

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

**April 19, 2015**

**TO:** Honorable Abel Herrero, Chair, House Committee on Criminal Jurisprudence

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

**IN RE:** **HB1264** by Wu (Relating to the preservation of toxicological evidence collected in connection with certain intoxication offenses.), **As Introduced**

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

The bill would amend the Code of Criminal Procedure to require any law enforcement agency, hospital, or crime lab charged with collecting, analyzing, or storing the specimens to retain and preserve the evidence for certain periods of time, depending on certain specified circumstances. A court would be required to determine the applicable retention period. It is assumed any costs associated with implementing the bill could be absorbed within current resources.

**Local Government Impact**

There would be costs to units of local governments for the costs to store and catalog toxicological evidence. The costs and the fiscal impact will vary between entities depending on their overall budget, the number of cases, and the length of time storage is required for the evidence.

According to the Office of Court Administration, some additional staff time would be required by local courts to produce the required notifications; however, no significant fiscal impact to local courts is anticipated.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council, 213 Office of the State Prosecuting Attorney, 405 Department of Public Safety, 407 Commission on Law Enforcement, 644 Juvenile Justice Department

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