

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

March 24, 2015

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

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: SB725 by Perry (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 SB725, As Introduced: a negative impact of (\$4,010,884) through the biennium ending August 31, 2017.

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:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2016	(\$2,046,875)
2017	(\$1,964,009)
2018	(\$1,964,009)
2019	(\$1,964,009)
2020	(\$1,974,015)

All Funds, Five-Year Impact:

Fiscal Year	Probable Revenue Gain from <i>Criminal Justice Plan Ac</i> 421	Probable Revenue Gain from <i>State Highway Fund</i> 6	Probable Savings/(Cost) from <i>General Revenue Fund</i> 1	Change in Number of State Employees from FY 2013
2016	\$568,702	\$306,224	(\$2,046,875)	9.0
2017	\$568,702	\$306,224	(\$1,964,009)	9.0
2018	\$568,702	\$306,224	(\$1,964,009)	9.0
2019	\$568,702	\$306,224	(\$1,964,009)	9.0
2020	\$568,702	\$306,224	(\$1,974,015)	9.0

Fiscal Analysis

This bill would amend the Government Code regarding the Department of Public Safety and DNA records of persons charged with or convicted of certain felonies, Class B misdemeanors, or subject

to deferred adjudication of certain offenses.

The bill would amend the Code of Criminal Procedure to require persons to pay a \$50 court cost for DNA Testing if the person was: 1) convicted of a Class B misdemeanor or higher under Title 5 of the Penal Code, or 2) placed on deferred adjudication for offenses of public lewdness or indecent exposure.

Under current law, a \$50 court cost is assessed only 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.

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.

This bill would take effect September 1, 2015.

Methodology

Historical records indicate approximately 48,607 convicted offenders per year would be required to provide a DNA sample for testing. This analysis assumes the Texas Department of Public Safety (DPS) would need nine new FTEs to meet the provisions of the bill. These nine FTEs would include five Forensic Scientists I to complete approximately 9,721 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. This analysis includes a total cost of \$651,171 in General Revenue per fiscal year for salary and benefits. Other costs each fiscal year would include consumable supplies, equipment, travel, utilities and rent. The majority of these other costs are due to consumable supplies needed for processing DNA samples. This analysis includes \$27 per sample for a total cost of approximately \$1.3 million per fiscal year to process 48,607 DNA samples.

Based upon historical records of the Office of Court Administration, an approximate 48,607 cases statewide in district courts and statutory county court are estimated to be Class B Misdemeanors under Title 5 of the Penal Code, including but not limited to criminal homicide, kidnapping, human trafficking, sexual offenses and assaultive offenses. At \$50 per each new test required, an estimated \$2,430,350 each fiscal year would be assessed in cost-generated revenue. Assuming a 40 percent collection rate, \$972,140 each fiscal year might be collected. Of this amount, the state would receive 90 percent (\$874,926): 65 percent to the Criminal Justice Planning Fund No. 421 (\$568,702) and 35 percent to the State Highway Fund No. 6 (\$306,224).

Local Government Impact

Counties would receive of to 10 percent of revenue generated under the bill, estimated to be \$97,214 each fiscal year.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 304

Comptroller of Public Accounts, 405 Department of Public Safety

LBB Staff: UP, KJo, MW, TB, KKR, ESi, AI