

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATURE 1st CALLED SESSION - 2017

July 25, 2017

TO: Honorable Joe Moody, Chair, House Committee on Criminal Jurisprudence

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB166 by Minjarez (Relating to the collection, storage, and analysis of sexual assault evidence and evidence of other sex offenses.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Government Code to require public accredited crime laboratories to complete analysis of sexual assault evidence as soon as practicable but not later than the 60th day after the date on which the evidence was received by the laboratory. The provisions of the bill would only apply to sexual assault evidence received on or after the effective date of the bill.

The bill would amend the Government Code to require a health care facility to notify a law enforcement agency of an alleged sexual assault within 24 hours, provided written consent is given. If written consent is not provided, the health care facility must provide the survivor with certain information. A health care facility would be required to store evidence of a sexual assault that is not released to a law enforcement agency for one year before the evidence is destroyed.

The bill would require a law enforcement agency that receives such notification to take possession of the evidence not later than the 14th day after the law enforcement agency was notified, and if the law enforcement agency does not have jurisdiction, require the law enforcement agency to notify the correct law enforcement agency of the evidence not later than the 14th day after the determination that the original law enforcement agency not have jurisdiction. the bill would require a law enforcement agency receiving notice from the original law enforcement agency to take possession of the evidence not later than the 14th day after the law enforcement agency was notified. The bill would require a law enforcement agency or a publicly accredited crime laboratory to assign a unique number to each piece of evidence.

The bill would specify that the failure of a law enforcement agency or public accredited crime laboratory to comply with the bill's requirements does not constitute grounds for a court to exclude the DNA evidence, nor does such failure authorize the defendant to challenge the validity of the DNA evidence, object to the evidence, or petition a court to set aside a sexual assault conviction.

This analysis assumes the costs and duties to implement the provisions of the bill could be absorbed within existing resources.

The bill would take effect December 1, 2017.

Local Government Impact

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

Source Agencies: 405 Department of Public Safety

LBB Staff: UP, KJo, AI, AG, ZB, FR