

BILL ANALYSIS

C.S.H.B. 1729
By: Neave
Criminal Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties express concern about the number of rape kits in Texas that remain untested. C.S.H.B. 1729 seeks to address these concerns by establishing a grant program under which funds are dispersed to assist law enforcement agencies or counties in testing evidence collected in relation to a sexual assault or other sex offense.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 1729 amends the Government Code to require the criminal justice division in the governor's office to establish and administer a grant program and to disperse funds to assist a county, a municipal police department, a county sheriff's office, or a county constable's office in testing evidence collected in relation to a sexual assault or other sex offense. The bill restricts the use of the grant funds to the testing by an accredited crime laboratory of evidence that was collected in relation to a sexual assault or other sex offense. The bill authorizes the criminal justice division to establish additional eligibility criteria for grant applicants and requires the division to establish grant application procedures, guidelines relating to grant amounts, and criteria for evaluating grant applications.

C.S.H.B. 1729 requires the criminal justice division to include in its biennial report to the legislature regarding the division's activities detailed reporting of the results and performance of the grant program and authorizes the division to use any revenue available to the division to fund the grant program. The bill establishes the evidence testing account as a dedicated account in the general revenue fund of the state treasury, restricts appropriation of money in the account to the criminal justice division for purposes of the evidence testing grant program, and subjects the grant funds to audit by the comptroller of public accounts.

C.S.H.B. 1729 amends the Transportation Code to authorize a person to contribute \$1 or more to the evidence testing grant program when applying for an original or renewal driver's license or personal identification certificate or original or renewal commercial driver's license. The bill requires the Department of Public Safety (DPS) to include space on the first page of each application for such a license or certificate that allows a person applying for such a license or certificate to indicate the amount that the person is voluntarily contributing to the grant program and to provide an opportunity for the person to contribute to the grant program during the

application process for such a license or certificate on the DPS website. The bill requires DPS to send any contribution for the grant program to the comptroller for deposit to the credit of the evidence testing account not later than the 14th day of each month. The bill authorizes DPS to deduct money equal to the amount of reasonable expenses for administering the voluntary contribution for the grant program before sending the money to the comptroller.

C.S.H.B. 1729 applies only to a person who applies for an original or renewal driver's license, commercial driver's license, or personal identification certificate on or after January 1, 2018.

EFFECTIVE DATE

September 1, 2017.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1729 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Subchapter A, Chapter 521, Transportation Code, is amended by adding Section 521.012 to read as follows:

Sec. 521.012. VOLUNTARY CONTRIBUTION FOR EVIDENCE TESTING GRANT PROGRAM. (a) When a person applies for an original or renewal driver's license under this chapter, the person may contribute \$1 or more to the evidence testing grant program established under Section 772.00715, Government Code.

(b) The department shall:

(1) include space on the first page of each application for an original or renewal driver's license that allows a person applying for an original or renewal driver's license to indicate the amount that the person is voluntarily contributing to the grant program; and

(2) provide an opportunity for the person to contribute to the grant program during the application process for an original or renewal driver's license on the department's Internet website.

(c) The department shall send any contribution made under this section to the comptroller for deposit to the credit of the evidence testing account established under Section 772.00716, Government Code, not later than the 14th day of each month. Before sending the money to the

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Subchapter A, Chapter 521, Transportation Code, is amended by adding Section 521.012 to read as follows:

Sec. 521.012. VOLUNTARY CONTRIBUTION FOR EVIDENCE TESTING GRANT PROGRAM. (a) When a person applies for an original or renewal driver's license or personal identification certificate under this chapter, the person may contribute \$1 or more to the evidence testing grant program established under Section 772.00715, Government Code.

(b) The department shall:

(1) include space on the first page of each application for an original or renewal driver's license or personal identification certificate that allows a person applying for an original or renewal driver's license or personal identification certificate to indicate the amount that the person is voluntarily contributing to the grant program; and

(2) provide an opportunity for the person to contribute to the grant program during the application process for an original or renewal driver's license or personal identification certificate on the department's Internet website.

(c) The department shall send any contribution made under this section to the comptroller for deposit to the credit of the evidence testing account established under Section 772.00716, Government Code, not later than the 14th day of each month. Before sending the money to the

comptroller, the department may deduct money equal to the amount of reasonable expenses for administering this section.

No equivalent provision.

SECTION 2. Subchapter A, Chapter 772, Government Code, is amended by adding Sections 772.00715 and 772.00716 to read as follows:

Sec. 772.00715. EVIDENCE TESTING GRANT PROGRAM. (a) In this section:

- (1) "Accredited crime laboratory" has the meaning assigned by Section 420.003.
- (2) "Criminal justice division" means the criminal justice division established under Section 772.006.
- (3) "Grant program" means the evidence testing grant program established under this section.
- (4) "Law enforcement agency" means:

comptroller, the department may deduct money equal to the amount of reasonable expenses for administering this section.

SECTION 2. Subchapter C, Chapter 522, Transportation Code, is amended by adding Section 522.0295 to read as follows:

Sec. 522.0295. VOLUNTARY CONTRIBUTION FOR EVIDENCE TESTING GRANT PROGRAM. (a) When a person applies for an original or renewal commercial driver's license under this chapter, the person may contribute \$1 or more to the evidence testing grant program established under Section 772.00715, Government Code.

(b) The department shall:

- (1) include space on the first page of each application for an original or renewal commercial driver's license that allows a person applying for an original or renewal commercial driver's license to indicate the amount that the person is voluntarily contributing to the grant program; and
- (2) provide an opportunity for the person to contribute to the grant program during the application process for an original or renewal commercial driver's license on the department's Internet website.

(c) The department shall send any contribution made under this section to the comptroller for deposit to the credit of the evidence testing account established under Section 772.00716, Government Code, not later than the 14th day of each month. Before sending the money to the comptroller, the department may deduct money equal to the amount of reasonable expenses for administering this section.

SECTION 3. Subchapter A, Chapter 772, Government Code, is amended by adding Sections 772.00715 and 772.00716 to read as follows:

Sec. 772.00715. EVIDENCE TESTING GRANT PROGRAM. (a) In this section:

- (1) "Accredited crime laboratory" has the meaning assigned by Section 420.003.
- (2) "Criminal justice division" means the criminal justice division established under Section 772.006.
- (3) "Grant program" means the evidence testing grant program established under this section.
- (4) "Law enforcement agency" means:

(A) the police department of a municipality;
(B) the sheriff's office of a county; or
(C) a constable's office of a county.

(b) The criminal justice division shall establish and administer a grant program and shall disperse funds to assist law enforcement agencies in testing evidence collected in relation to a sexual assault or other sex offense.

(c) Grant funds may be used only for the testing by an accredited crime laboratory of evidence that was collected in relation to a sexual assault or other sex offense.

(d) The criminal justice division:

(1) may establish additional eligibility criteria for grant applicants; and

(2) shall establish:

(A) grant application procedures;

(B) guidelines relating to grant amounts; and

(C) criteria for evaluating grant applications.

(e) The criminal justice division shall include in the biennial report required by Section 772.006(a)(9) detailed reporting of the results and performance of the grant program.

(f) The criminal justice division may use any revenue available to the division to fund the grant program.

Sec. 772.00716. EVIDENCE TESTING ACCOUNT.

SECTION 3. The changes in law made by this Act apply only to a person who applies for an original or renewal driver's license on or after January 1, 2018.

SECTION 4. This Act takes effect September 1, 2017.

(A) the police department of a municipality;
(B) the sheriff's office of a county; or
(C) a constable's office of a county.

(b) The criminal justice division shall establish and administer a grant program and shall disperse funds to assist law enforcement agencies or counties in testing evidence collected in relation to a sexual assault or other sex offense.

(c) Grant funds may be used only for the testing by an accredited crime laboratory of evidence that was collected in relation to a sexual assault or other sex offense.

(d) The criminal justice division:

(1) may establish additional eligibility criteria for grant applicants; and

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(e) The criminal justice division shall include in the biennial report required by Section 772.006(a)(9) detailed reporting of the results and performance of the grant program.

(f) The criminal justice division may use any revenue available to the division to fund the grant program.

Sec. 772.00716. EVIDENCE TESTING ACCOUNT.

SECTION 4. The changes in law made by this Act apply only to a person who applies for an original or renewal driver's license, commercial driver's license, or personal identification certificate on or after January 1, 2018.

SECTION 5. Same as introduced version.