

BILL ANALYSIS

C.S.H.B. 4102
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Criminal Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties note that the cost associated with testing evidence collected in relation to a sexual assault or other sex offense, including a rape kit, is sometimes cited as one of the reasons for the backlog of untested kits in Texas. C.S.H.B. 4102 seeks to address this issue by establishing a grant program to fund the testing of such evidence, authorizing the criminal justice division of the governor's office to use any revenue available to fund the program, and authorizing certain voluntary contributions to the program.

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. 4102 amends the Government Code to require the criminal justice division of the governor's office to establish and administer an evidence testing grant program and to disburse funds to assist local law enforcement agencies or counties in testing evidence collected in relation to a sexual assault or other sex offense. The bill restricts the use of grant funds to testing by an accredited crime laboratory of evidence that was collected in relation to a sexual assault or other sex offense and authorizes the criminal justice division to establish additional eligibility criteria for grant applicants. The bill requires the criminal justice division to establish grant application procedures, guidelines relating to grant amounts, and criteria for evaluating grant applications and to include in the division's biennial report to the legislature detailed reporting of the results and performance of the grant program. The bill authorizes the criminal justice division to use any revenue available to the division to fund the grant program. The bill creates the evidence testing account as a dedicated account in the general revenue fund of the state treasury and restricts the appropriation of the money in the account to the criminal justice division for purposes of the grant program. The bill establishes that funds distributed for the grant program are subject to audit by the comptroller of public accounts.

C.S.H.B. 4102 amends the Transportation Code to authorize a person registering or renewing the registration of a motor vehicle to contribute any amount to the evidence testing grant program and requires the Texas Department of Motor Vehicles (TxDMV) to provide, in a conspicuous manner, an opportunity to contribute to the grant program in any registration renewal system used by TxDMV. The bill authorizes a county assessor-collector, if a person makes a contribution and does not pay the full amount of a registration fee, to credit all or a portion of the contribution to the person's registration fee. The bill requires the county assessor-collector to

send any contribution made under the bill's provisions to the comptroller for deposit to the credit of the evidence testing account at least once every three months. The bill authorizes TxDMV to deduct money equal to the amount of reasonable expenses for administering the bill's provisions before sending the money to the comptroller.

EFFECTIVE DATE

September 1, 2017.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 4102 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 H, Chapter 502, Transportation Code, is amended by adding Section 502.414 to read as follows:

Sec. 502.414. VOLUNTARY CONTRIBUTION FOR EVIDENCE TESTING GRANT PROGRAM. (a) When a person registers or renews the registration of a motor vehicle under this chapter, the person may contribute any amount to the Evidence Testing Grant Program established under Section 772.00715, Government Code.

(b) The department shall provide, in a conspicuous manner, an opportunity to contribute to the Evidence Testing Grant Program in any registration renewal system used by the department.

(c) If a person makes a contribution under this section and does not pay the full amount of a registration fee, the county assessor-collector may credit all or a portion of the contribution to the person's registration fee.

(d) The county assessor-collector 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 30th 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 2. Subchapter A, Chapter 772, Government Code, is amended.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Subchapter H, Chapter 502, Transportation Code, is amended by adding Section 502.414 to read as follows:

Sec. 502.414. VOLUNTARY CONTRIBUTION FOR EVIDENCE TESTING GRANT PROGRAM. (a) When a person registers or renews the registration of a motor vehicle under this chapter, the person may contribute any amount to the evidence testing grant program established under Section 772.00715, Government Code.

(b) The department shall provide, in a conspicuous manner, an opportunity to contribute to the evidence testing grant program in any registration renewal system used by the department.

(c) If a person makes a contribution under this section and does not pay the full amount of a registration fee, the county assessor-collector may credit all or a portion of the contribution to the person's registration fee.

(d) The county assessor-collector 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, at least once every three months. Before sending the money to the comptroller, the department may deduct money equal to the amount of reasonable expenses for administering this section.

SECTION 2. Substantially the same as introduced version.

SECTION 3. This Act takes effect
September 1, 2017.

SECTION 3. Same as introduced version.