

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

April 28, 2017

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

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB281 by Howard (Relating to establishing a statewide electronic tracking system for evidence of a sex offense.), **As Engrossed**

Estimated Two-year Net Impact to General Revenue Related Funds for HB281, As Engrossed: a negative impact of (\$1,561,534) through the biennium ending August 31, 2019.

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
2018	(\$1,323,349)
2019	(\$238,185)
2020	(\$238,185)
2021	(\$238,185)
2022	(\$238,185)

All Funds, Five-Year Impact:

Fiscal Year	Probable (Cost) from General Revenue Fund 1
2018	(\$1,323,349)
2019	(\$238,185)
2020	(\$238,185)
2021	(\$238,185)
2022	(\$238,185)

Fiscal Analysis

The bill would amend the Government Code to require the Department of Public Safety (DPS) to develop and implement a statewide electronic tracking system for evidence collected in relation to a sexual assault or other sex offense. The bill would also require survivors from whom evidence was collected to have access to the system.

Not later than September 1, 2019, the bill would require any facility or entity that collects evidence, investigates, or prosecutes a sexual assault or other sex offense to participate in the tracking system. The provisions of the bill would only apply to evidence collected on or after September 1, 2019.

The bill would also prohibit an employee of DPS or any facility or entity that collects evidence, investigates, or prosecutes a sexual assault or other sex offense from disclosing information to a parent or legal guardian of a survivor that would aid the parent or legal guardian in accessing records relating to evidence tracked in the system if the employee has reason to believe that the parent or legal guardian is a suspect in the sexual assault offense.

The bill would take effect on September 1, 2017.

Methodology

It is assumed that DPS would require additional resources to implement the provisions of the bill in fiscal year 2018. It is estimated that DPS has sufficient agency staff and resources to maintain and to absorb ongoing maintenance costs beginning in fiscal year 2019. It is also assumed such costs would be out of the General Revenue Fund 01.

Technology

It is assumed that implementing the provisions of the bill would have a significant technology impact. DPS would contract with a third party vendor to establish a statewide tracking system, as required by the bill. Estimated costs total \$1,323,349 in General Revenue Funds in fiscal year 2018 and \$238,185 in maintenance costs each following year for items related to establishing the system, which include Track-Kit, Survivor Portal, Prosecutor Portal, Private Lab Portal, and an E-help Tech Support costs.

It is estimated that DPS would require \$36,457 in General Revenue Funds in fiscal year 2018 for Capital Expenditures related to implementation of the program.

It is also assumed that DPS would require \$22,378 to contract with a Project Manager and a Business Analyst in fiscal year 2018 to facilitate the implementation of the program.

Local Government Impact

The bill could result in possible, if undetermined, fiscal impacts on local law enforcement agencies, to the degree local law enforcement agencies would assist DPS in establishing a statewide tracking system. Further, the bill would obligate all local entities involved in the investigation or prosecution of sexual assault crimes to participate in the tracking system.

Source Agencies: 405 Department of Public Safety

LBB Staff: UP, FR, KJo, AI, WP, RC