

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

April 24, 2017

TO: Honorable Phil King, Chair, House Committee on Homeland Security & Public Safety

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB4121 by White (Relating to the use of rapid DNA technology to identify, document and record all persons arrested for a felony or a class A misdemeanor.), **As Introduced**

This fiscal note assumes a cost of \$171,566,828 in the 2018-19 biennium to implement the provisions of the bill. However, the bill does not specify which entity or entities would be required to pay for the equipment, supplies, and training assumed to be necessary to implement the bill. As such, the cost to the state would range from \$0 to \$171,566,828 in the 2018-19 biennium, depending on the share paid from local funds.

The bill would amend the Government Code to require DNA samples from individuals who have been arrested for any felony or Class A misdemeanor, or arrested for any misdemeanor, when already possessing a criminal record. Currently, DNA samples are required from individuals who have been indicted for certain felonies; arrested for felony violations, when already possessing a criminal record; and convicted of certain Class A misdemeanor or higher offenses.

The bill would require a law enforcement agency arresting an individual meeting the bill's criteria to require the individual immediately after fingerprinting, and at the same location as the fingerprinting occurs, to provide one or more specimens for the purpose of creating a DNA record.

The bill would direct the director of the Department of Public Safety to require law enforcement agencies to take a buccal swab specimen, preserve the specimen, and maintain a record of the collection of the specimen. The bill would require the law enforcement agency to conduct analysis of the specimen utilizing standards approved by the Federal Bureau of Investigation for submission to its National DNA Index System.

The bill does not specify which entity or entities would pay for the equipment, supplies, and training necessary to implement the bill. Consequently, this fiscal note presents an estimate of the costs (equipment, supplies, and training) required to implement the provisions of the bill.

This fiscal note assumes implementing the bill would entail costs of \$111,133,414 in fiscal year 2018 and \$60,433,414 in fiscal year 2019 to acquire DNA sampling instruments; purchase non-renewable consumable supplies associated with conducting individual DNA profiles; and fund staff training on using the FBI's testing and submission protocols, as required by the bill. It is assumed these costs, if paid by the state, would be out of General Revenue. It is also assumed that these costs, if paid by local law enforcement agencies, would be paid out of each agency's local funds, in an amount commensurate with the agency's requirements and capacity to pay.

DNA Sampling Instruments: The Department of Public Safety assumes the bill would require

\$50,700,000 in fiscal year 2018 only for 338 "Rapid DNA Single Sample" instruments at a unit cost of \$150,000 each. However, DPS notes that larger law enforcement agencies will require either a greater number of single sample instruments, or more costly instruments capable of multiple samples.

Consumable Supplies: DPS notes it costs \$225 in supplies to process each DNA sample, and \$4.51 for each DNA collection kit. The Department of Public Safety assumes 258,718 individuals would be required to submit a DNA sample under the provisions of the bill. The annual consumable supplies would therefore be estimated at \$58,211,550 (258,718 x \$225) to process DNA samples and \$1,166,818 (258,718 x \$4.51) for the DNA collection kits, which together total \$59,378,368 in each fiscal year.

Training: The bill requires DNA samples be processed and submitted following FBI standards. It is assumed most law enforcement agencies would require some training on how to collect and submit DNA samples according to the FBI's standards. For DPS, it is assumed the agency would require 10 Forensic Scientist II FTEs (\$530,000) to train the law enforcement agency's staff in the correct procedures to collect, process, and submit DNA samples to the FBI. It is assumed these FTEs would need a Program Specialist V FTE (\$68,717) for supervisory purposes, and a Program Specialist V FTE (\$57,500) for assistance administering and evaluating the program. Annual costs for travel (\$55,000), equipment and training supplies (\$30,241), fuel (\$73,282), and benefits (\$240,307) are also assumed for these positions.

Local Government Impact

Should local law enforcement agencies pay the costs of implementing the bill, there would be a significant, if variable, fiscal impact to local law enforcement agencies. The fiscal impact of the bill would depend on each law enforcement agency's financial capacity to pay for the DNA sampling instruments; the costs of consumable supplies associated with conducting individual DNA profiles; and any costs associated with staff training on how to collect and submit DNA samples according to the FBI's standards.

Source Agencies: 405 Department of Public Safety

LBB Staff: UP, FR, AI, JAW