

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

March 29, 2017

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

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: SB1163 by Garcia (relating to establishing and funding a grant program for testing evidence collected in relation to sexual assaults or other sex offenses; authorizing voluntary contributions.), **Committee Report 1st House, Substituted**

Estimated Two-year Net Impact to General Revenue Related Funds for SB1163, Committee Report 1st House, Substituted: an impact of \$0 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	\$0
2019	\$0
2020	\$0
2021	\$0
2022	\$0

All Funds, Five-Year Impact:

Fiscal Year	Probable Revenue Gain from New General Revenue Dedicated Evidence Testing Account	Probable (Cost) from New General Revenue Dedicated Evidence Testing Account
2018	\$1,000,000	(\$1,000,000)
2019	\$1,000,000	(\$1,000,000)
2020	\$1,000,000	(\$1,000,000)
2021	\$1,000,000	(\$1,000,000)
2022	\$1,000,000	(\$1,000,000)

Fiscal Analysis

The bill would amend multiple codes relating to establishing and funding a grant program for testing evidence collected in relation to sexual assaults or other sex offenses; authorizing voluntary contributions.

The bill would require the Department of Public Safety (DPS) to provide the opportunity for a person applying for an original or renewal driver license, commercial driver's license, or personal identification certificate, both in the office and online to voluntarily contribute \$1 or more to the evidence testing grant program. DPS shall make monthly deposits contributions collected to new General Revenue-Dedicated Evidence Testing Account. The bill allows DPS to deduct reasonable administrative expenses prior to transferring the contributions.

The bill would require the Criminal Justice Division (CJD) in the Trusted Programs Within the Office of the Governor to establish and administer a grant program using the contributions collected during certain license and identification application processes to assist certain law enforcement agencies or counties with testing evidence collected for sexual assault or other sex offenses. The bill would restrict the use of grant funds to testing at certain labs for evidence related to certain crimes. The bill would require the CJD to establish criteria related to grant applications and awards, and would require certain reporting in the CJD's biennial report. The bill would allow the CJD to use any available revenue to fund the program.

The bill would do one or more of the following: create or recreate a dedicated account in the General Revenue Fund, create or recreate a special or trust fund either with or outside of the Treasury, or create a dedicated revenue source. The fund, account, or revenue dedication included in the bill would be subject to funds consolidation review by the current Legislature.

The bill would take effect September 1, 2017 and would apply to driver's license, commercial driver's license, or personal identification certificate applications submitted on or after January 1, 2018.

Methodology

According to the Office of the Governor, the evidence testing grant program is expected to receive \$1,000,000 in annual contributions. This analysis is based on the revenues received by the similar program that collects donations for veterans from driver's license applicants, which collected \$1,059,467 in fiscal year 2016. It is assumed that all revenues collected from contributions to the evidence testing grant program would be used for DPS administrative costs and awarded to eligible grant applicants.

Based on the provisions of the bill that allow DPS to deduct money equal to the amount of reasonable expenses for administering the program, this analysis assumes DPS would retain \$212,884 in the 2018-19 biennium. According to DPS, establishing and administering the system would cost \$147,924 in fiscal year 2018 for technology implementation, and \$32,480 each year beginning in fiscal year 2018 for the finance division to process the fee.

The remaining funds, estimated to be \$819,596 in fiscal year 2018 and \$967,520 in fiscal year 2019, would be available for grants to assist certain law enforcement agencies or counties for testing evidence collected in relation to certain offenses.

This analysis assumes administrative duties and responsibilities associated with implementing the provisions of the bill could be accomplished utilizing existing resources in the Trusted Programs Within the Office of the Governor.

Technology

According to information provided by DPS, there would be a one-time cost of \$147,924 to

implement additional programming requirements in the existing system.

Local Government Impact

Grants provided via the provisions of the bill would offset costs to local governments operating a law enforcement agency that are seeking to reduce their backlog of DNA testing.

Source Agencies: 405 Department of Public Safety, 300 Trusteed Programs Within the Office of the Governor, 304 Comptroller of Public Accounts

LBB Staff: UP, KJo, NV, LBe, ZB, JGA