

SENATE AMENDMENTS

2nd Printing

By: Neave, Thompson of Harris,
Davis of Harris, Price, Moody, et al.

H.B. No. 1729

A BILL TO BE ENTITLED

1 AN ACT

2 relating to establishing and funding a grant program for testing
3 evidence collected in relation to sexual assaults or other sex
4 offenses; authorizing voluntary contributions.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

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

8 Sec. 521.012. VOLUNTARY CONTRIBUTION FOR EVIDENCE TESTING
9 GRANT PROGRAM. (a) When a person applies for an original or
10 renewal driver's license or personal identification certificate
11 under this chapter, the person may contribute \$1 or more to the
12 evidence testing grant program established under Section
13 772.00715, Government Code.

14 (b) The department shall:

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

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

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

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

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

15 (b) The department shall:

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

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

25 (c) The department shall send any contribution made under
26 this section to the comptroller for deposit to the credit of the
27 evidence testing account established under Section 772.00716,

1 Government Code, not later than the 14th day of each month. Before
2 sending the money to the comptroller, the department may deduct
3 money equal to the amount of reasonable expenses for administering
4 this section.

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

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

10 (1) "Accredited crime laboratory" has the meaning
11 assigned by Section 420.003.

12 (2) "Criminal justice division" means the criminal
13 justice division established under Section 772.006.

14 (3) "Grant program" means the evidence testing grant
15 program established under this section.

16 (4) "Law enforcement agency" means:

17 (A) the police department of a municipality;

18 (B) the sheriff's office of a county; or

19 (C) a constable's office of a county.

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

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

27 (d) The criminal justice division:

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

3 (2) shall establish:

4 (A) grant application procedures;

5 (B) guidelines relating to grant amounts; and

6 (C) criteria for evaluating grant applications.

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

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

12 Sec. 772.00716. EVIDENCE TESTING ACCOUNT. (a) The
13 evidence testing account is created as a dedicated account in the
14 general revenue fund of the state treasury.

15 (b) Money in the account may be appropriated only to the
16 criminal justice division established under Section 772.006 for
17 purposes of the evidence testing grant program established under
18 Section 772.00715.

19 (c) Funds distributed under Section 772.00715 are subject
20 to audit by the comptroller.

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

25 SECTION 5. This Act takes effect September 1, 2017.

ADOPTED

✓✓
MAY 17 2017

Leta Spaw
Secretary of the Senate

FLOOR AMENDMENT NO. 1

BY:

Elyse R. Guice

1 Amend H.B. No. 1729 (senate committee report) in SECTION 3 of
2 the bill by striking added Section 772.00715(f), Government Code
3 (page 2, lines 44 and 45).

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 18, 2017

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1729 by Neave (Relating to establishing and funding a grant program for testing evidence collected in relation to sexual assaults or other sex offenses; authorizing voluntary contributions.), **As Passed 2nd House**

Estimated Two-year Net Impact to General Revenue Related Funds for HB1729, As Passed 2nd House: 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 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 \$140,424 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 \$827,096 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 \$140,424 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

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

April 20, 2017

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

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1729 by Neave (Relating to establishing and funding a grant program for testing evidence collected in relation to sexual assaults or other sex offenses; authorizing voluntary contributions.), **As Engrossed**

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The bill would require the Criminal Justice Division (CJD) in the Trusteed 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.

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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

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

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

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

March 22, 2017

TO: Honorable Joe Moody, Chair, House Committee on Criminal Jurisprudence

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1729 by Neave (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 HB1729, 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
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2022	\$0

All Funds, Five-Year Impact:

Fiscal Year	Probable Revenue Gain from <i>New General Revenue Dedicated Evidence Testing Account</i>	Probable (Cost) from <i>New General Revenue Dedicated Evidence Testing Account</i>
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The bill would require the Criminal Justice Division (CJD) in the Truusted 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 us any available revenue to fund the program.

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

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

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

March 13, 2017

TO: Honorable Joe Moody, Chair, House Committee on Criminal Jurisprudence

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1729 by Neave (Relating to establishing and funding a grant program for testing evidence collected in relation to sexual assaults or other sex offenses; authorizing voluntary contributions.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for HB1729, As Introduced: 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
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The bill would require the Criminal Justice Division (CJD) in the Trusteed Programs Within the Office of the Governor to establish and administer a grant program using the contributions collected during the driver's license application process to assist certain law enforcement agencies 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 applications submitted on or after January 1, 2018.

Methodology

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

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