

SENATE AMENDMENTS

2nd Printing

By: Neave, González of El Paso, Villalba,
Minjarez, Blanco, et al.

H.B. No. 4102

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 H, Chapter 502, Transportation Code,
7 is amended by adding Section 502.414 to read as follows:

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

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

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

20 (d) The county assessor-collector shall send any
21 contribution made under this section to the comptroller for deposit
22 to the credit of the evidence testing account established under
23 Section 772.00716, Government Code, at least once every three
24 months. Before sending the money to the comptroller, the

1 department may deduct money equal to the amount of reasonable
2 expenses for administering this section.

3 SECTION 2. Subchapter A, Chapter 772, Government Code, is
4 amended by adding Sections 772.00715 and 772.00716 to read as
5 follows:

6 Sec. 772.00715. EVIDENCE TESTING GRANT PROGRAM. (a) In
7 this section:

8 (1) "Accredited crime laboratory" has the meaning
9 assigned by Section 420.003.

10 (2) "Criminal justice division" means the criminal
11 justice division established under Section 772.006.

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

14 (4) "Law enforcement agency" means:

15 (A) the police department of a municipality;

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

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

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

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

25 (d) The criminal justice division:

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

1 (2) shall establish:

2 (A) grant application procedures;

3 (B) guidelines relating to grant amounts; and

4 (C) criteria for evaluating grant applications.

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

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

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

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

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

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

ADOPTED

MAY 24 2017

Leta Stovall
Secretary of the Senate

By: *Stephen R. Guice*

H.B. No. 4102

Substitute the following for H.B. No. 4102:

By: ~~*Stephen R. Guice*~~
Glenn Alder

C.S.H.B. No. 4102

A BILL TO BE ENTITLED

AN ACT

1

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 H, Chapter 502, Transportation Code,
7 is amended by adding Section 502.414 to read as follows:

8 Sec. 502.414. VOLUNTARY CONTRIBUTION FOR EVIDENCE TESTING

9 GRANT PROGRAM. (a) When a person registers or renews the
10 registration of a motor vehicle under this chapter, the person may
11 contribute any amount to the evidence testing grant program
12 established under Section 772.00715, Government Code.

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

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

20 (d) The county assessor-collector shall send any
21 contribution made under this section to the comptroller for deposit
22 to the credit of the evidence testing account established under
23 Section 772.00716, Government Code, at least once every three
24 months. Before sending the money to the comptroller, the

1 department may deduct money equal to the amount of reasonable
2 expenses for administering this section.

3 SECTION 2. Subchapter A, Chapter 772, Government Code, is
4 amended by adding Sections 772.00715 and 772.00716 to read as
5 follows:

6 Sec. 772.00715. EVIDENCE TESTING GRANT PROGRAM. (a) In
7 this section:

8 (1) "Accredited crime laboratory" has the meaning
9 assigned by Section 420.003.

10 (2) "Criminal justice division" means the criminal
11 justice division established under Section 772.006.

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

14 (4) "Law enforcement agency" means:

15 (A) the police department of a municipality;

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

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

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

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

25 (d) The criminal justice division:

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

1 (2) shall establish:

2 (A) grant application procedures;

3 (B) guidelines relating to grant amounts; and

4 (C) criteria for evaluating grant applications.

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

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

11 (b) Money in the account may be appropriated only to the
12 criminal justice division established under Section 772.006 for
13 purposes of the evidence testing grant program established under
14 Section 772.00715.

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

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

ADOPTED

RV 15.13

MAY 24 2017

FLOOR AMENDMENT NO. 1

BY:

Royce West

Leta Spaw
Secretary of the Senate

1 Amend C.S.H.B. 4102 (senate committee report) by adding the
2 following appropriately numbered SECTION to the bill and
3 renumbering SECTIONS of the bill accordingly.

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

6 Sec. 502.414. VOLUNTARY CONTRIBUTION TO ENDING
7 HOMELESSNESS FUND. (a) When a person registers or renews the
8 registration of a motor vehicle under this chapter, the person
9 may contribute any amount to the Ending Homelessness fund under
10 Subsection (f).

11 (b) The department shall provide, in a conspicuous manner,
12 an opportunity to contribute to the Ending Homelessness fund in
13 any registration renewal system used by the department.

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

18 (d) The county assessor-collector shall send any
19 contribution made under this section to the comptroller for
20 deposit to the Ending Homelessness fund before the 31st day
21 after the date the contribution is made.

22 (e) The department shall consult with the Texas Department
23 of Housing and Community Affairs in performing the department's
24 duties under this section.

25 (f) The Ending Homelessness fund is created as a trust
26 fund outside the state treasury to be held by the comptroller
27 and administered by the Texas Department of Housing and
28 Community Affairs as trustee. The fund is composed of money
29 deposited to the credit of the fund under this section. Money

1 in the fund shall be used to provide grants to counties and
2 municipalities to combat homelessness.

3 (g) The Texas Department of Housing and Community Affairs
4 shall adopt rules governing application for grants from the
5 Ending Homelessness fund and the issuance of those grants.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 25, 2017

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

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB4102 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**

No significant fiscal implication to the State is anticipated.

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, and a grant program to combat homelessness.

The bill would require the Texas Department of Motor Vehicles (TxDMV) to provide the opportunity to contribute to the evidence testing grant program and the Ending Homelessness Fund when a person registers or renews the registration of a motor vehicle. The bill would create the new General Revenue-Dedicated Evidence Testing Account to be appropriated to the Criminal Justice Division (CJD) in the Trusteed Programs Within the Office of the Governor, and the bill would create the Ending Homelessness Fund as a trust fund held by the Comptroller outside the State Treasury and administered by the Texas Department of Housing and Community Affairs (TDHCA). The bill would require county tax assessor-collectors to send deposits of any contributions to the Comptroller for deposit in the funds. The bill allows the TxDMV to deduct reasonable administrative expenses prior to transferring certain contributions.

The bill would require the CJD to establish and administer a grant program using the contributions collected during the vehicle registration 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 require money in the Ending Homelessness Fund to be used to provide grants to counties and municipalities to combat homelessness. The bill would require TDHCA to adopt rules governing the application for and issuance of those grants.

Based on LBB's analysis of information provided by TxDMV, it is assumed costs and duties associated with implementing the provisions of the bill could be absorbed within the agency's existing resources. The Office of the Governor and TDHCA indicate they could absorb the costs of administering the grant program within each agency's existing resources.

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.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 300 Truſteed Programs Within the Office of the Governor, 304 Comptroller of Public Accounts, 405 Department of Public Safety, 608 Department of Motor Vehicles

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

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 19, 2017

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

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB4102 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 2nd House, Substituted**

No significant fiscal implication to the State is anticipated.

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 Motor Vehicles (DMV) to provide the opportunity to contribute to the evidence testing grant program when a person registers or renews the registration of a motor vehicle. The bill would require county tax assessor-collectors to send deposits of any contributions collected to the new General Revenue-Dedicated Evidence Testing Account at least once every three months. The bill allows the DMV 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 the vehicle registration 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.

Based on LBB's analysis of information provided by TxDMV, it is assumed costs and duties associated with implementing the provisions of the bill could be absorbed within the agency's existing resources. The Office of the Governor indicates it could absorb the costs of administering the grant program within the agency's existing resources.

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.

Local Government Impact

According to the Office of the Governor, the bill would result in \$100,000 potential cost savings to local governments operating a law enforcement agency that are seeking to have DNA tested.

Source Agencies: 300 Trusted Programs Within the Office of the Governor, 304 Comptroller of Public Accounts, 405 Department of Public Safety, 608 Department of Motor Vehicles

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

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 10, 2017

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

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB4102 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**

<p>No significant fiscal implication to the State is anticipated.</p>
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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 Motor Vehicles (DMV) to provide the opportunity to contribute to the evidence testing grant program when a person registers or renews the registration of a motor vehicle. The bill would require county tax assessor-collectors to send deposits of any contributions collected to the new General Revenue-Dedicated Evidence Testing Account at least once every three months. The bill allows the DMV to deduct reasonable administrative expenses prior to transferring the contributions.

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 vehicle registration 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.

Based on LBB's analysis of information provided by TxDMV, it is assumed costs and duties associated with implementing the provisions of the bill could be absorbed within the agency's existing resources. The Office of the Governor indicates it could absorb the costs of administering the grant program within the agency's existing resources.

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.

Local Government Impact

According to the Office of the Governor, the bill would result in \$100,000 potential cost savings to local governments operating a law enforcement agency that are seeking to have DNA tested.

Source Agencies: 300 Trusteed Programs Within the Office of the Governor, 304 Comptroller of Public Accounts, 405 Department of Public Safety, 608 Department of Motor Vehicles

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

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

April 18, 2017

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

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB4102 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**

<p>No significant fiscal implication to the State is anticipated.</p>
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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 Motor Vehicles (DMV) to provide the opportunity to contribute to the evidence testing grant program when a person registers or renews the registration of a motor vehicle. The bill would require county tax assessor-collectors to send deposits of any contributions collected to the new General Revenue-Dedicated Evidence Testing Account at least once every three months. The bill allows the DMV to deduct reasonable administrative expenses prior to transferring the contributions.

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 vehicle registration 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.

Based on LBB's analysis of information provided by TxDMV, it is assumed costs and duties associated with implementing the provisions of the bill could be absorbed within the agency's existing resources. The Office of the Governor indicates it could absorb the costs of administering the grant program within the agency's existing resources.

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.

Local Government Impact

According to the Office of the Governor, the bill would result in \$100,000 potential cost savings to local governments operating a law enforcement agency that are seeking to have DNA tested.

Source Agencies: 300 Truusted Programs Within the Office of the Governor, 304 Comptroller of Public Accounts, 405 Department of Public Safety, 608 Department of Motor Vehicles

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

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

April 9, 2017

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

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB4102 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**

<p>No significant fiscal implication to the State is anticipated.</p>
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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 Motor Vehicles (DMV) to provide the opportunity to contribute to the evidence testing grant program when a person registers or renews the registration of a motor vehicle. The bill would require county tax assessor-collectors to send monthly deposits of any contributions collected to the new General Revenue-Dedicated Evidence Testing Account. The bill allows the DMV 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 the vehicle registration 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.

Based on LBB's analysis of information provided by TxDMV, it is assumed costs and duties associated with implementing the provisions of the bill could be absorbed within the agency's existing resources. The Office of the Governor indicates it could absorb the costs of administering the grant program within the agency's existing resources.

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.

Local Government Impact

According to the Office of the Governor, the bill would result in \$100,000 potential cost savings to local governments operating a law enforcement agency that are seeking to have DNA tested.

Source Agencies: 300 Trusteed Programs Within the Office of the Governor, 304 Comptroller of Public Accounts, 405 Department of Public Safety, 608 Department of Motor Vehicles

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