

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

May 7, 2019

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

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB8 by Neave (Relating to the criminal statute of limitations for certain sexual offenses and the collection, analysis, and preservation of evidence of sexual assault and other sex offenses.), **As Engrossed**

The fiscal implications of the bill cannot be determined at this time, but are likely to have a significant negative impact to the General Revenue Fund.

Fiscal Analysis

The bill would remove statute of limitation for sexual assault if the assault has not been subject to forensic DNA testing.

The bill would require the contents of certain sexual assault exam kits, and other biological evidence, to be retained for 40 years, or until the statute of limitations expires, whichever period is longer. This provision would apply regardless of whether a person has been apprehended for or charged with committing the offense. It is assumed that the provisions of the bill relating to the statute of limitations for certain sexual offenses and the required report could be absorbed using existing resources.

The bill would require a publicly accredited crime lab to complete analysis of the evidence of a sexual assault, or other sex offense, within 90 days of receipt of the evidence. The bill expands the definition of "active criminal case" to include "other sex offenses," and sets requirements for victim notification before the destruction of evidence.

The bill would require the entity receiving sexual assault evidence to provide detailed instructions, and a standard form, to the victim regarding how they can make a written objection to the decision to destroy evidence, and document the notification.

The bill would require public accredited crime laboratories to submit a quarterly report on the number of collection kits that have not been submitted for analysis by law enforcement agencies. It also requires a completed database comparison of DNA profiles within 30 days of analysis, and requires Department of Public Safety (DPS) to apply for applicable available federal grant funds for this purpose.

The bill would require that a standardized form be developed by the Department of State Health Services (DSHS) that provides certain information to certain victims of sexual assault, before the survivor is released from the facility, including: information regarding public agencies and their

responsibility to pay for certain forensic fees and the reimbursement of medical fees for the survivor; information regarding the collection, storage, and release of evidence to law enforcement; and information regarding a local rape crisis center. The bill would require a health care facility to orally communicate this information to the survivor. It is assumed DSHS can implement the provisions of this bill within existing resources.

The provisions of the bill would take effect September 1, 2019.

Methodology

Due to the expanded definition of "active criminal case" to include "other sex offenses", DPS cannot determine the number of unknown samples affected. The agency assumes the costs are likely to be significant.

Local Government Impact

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

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 405 Department of Public Safety, 529 Health and Human Services Commission

LBB Staff: WP, LBO, AI, SMi, AF