

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

March 25, 2019

TO: Honorable Poncho Nevárez, Chair, House Committee on Homeland Security & Public Safety

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.), **Committee Report 1st House, Substituted**

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.

The bill requires 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. 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 requires public accredited crime laboratories to submit a quarterly report on the number of collection kits that has not been submitted for analysis by law enforcement agencies.

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.

The bill requires the contents of certain sexual assault exam kits to be retained for 40 years, or until the statute of limitations expires, whichever period is longer. 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.

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

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