<h1 style="text-align:center">LEGISLATIVE BUDGET BOARD</h1>
<p style="text-align:center"><strong>Austin, Texas</strong></p>

<h2 style="text-align:center">FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION</h2>

<p style="text-align:center"><strong>May 9, 2019</strong></p>

**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 sex offenses and the collection, analysis, and preservation of evidence of sexual assault and other sex offenses.), **Committee Report 2nd House, Substituted**

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**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 Department of Public Safety of the State of Texas and the Department of State Health Services are required to implement a provision of this Act only if the legislature appropriates money specifically for that purpose. If the legislature does not appropriate money specifically for that purpose, those agencies may, but are not required to, implement a provision of this Act using other appropriations available for that purpose.

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**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