

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

April 9, 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: HB1590 by Howard (Relating to the establishment of the Office for Sexual Assault Survivor Assistance within the criminal justice division of the governor's office.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for HB1590, As Introduced: a negative impact of (\$1,697,962) through the biennium ending August 31, 2021.

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 |
|--------------------|---|
| 2020 | (\$1,156,981) |
| 2021 | (\$540,981) |
| 2022 | (\$1,156,981) |
| 2023 | (\$540,981) |
| 2024 | (\$1,156,981) |

All Funds, Five-Year Impact:

| Fiscal Year | Probable (Cost) from General Revenue Fund 1 | Change in Number of State Employees from FY 2019 |
|--------------------|--|---|
| 2020 | (\$1,156,981) | 5.0 |
| 2021 | (\$540,981) | 5.0 |
| 2022 | (\$1,156,981) | 5.0 |
| 2023 | (\$540,981) | 5.0 |
| 2024 | (\$1,156,981) | 5.0 |

Fiscal Analysis

The bill would amend the Government Code and the Occupations Code to create an Office for

Sexual Assault Survivor Assistance within the Criminal Justice Division (CJD) of the Governor's Office. The bill would require the Office to advise the Office of the Attorney General on rules governing the collection and preservation of evidence in sexual assault cases, advise the Texas Commission on Law Enforcement on resources to improve officer training in the investigation and documentation of sexual assault cases, biennially contract for a survey of resources provided to survivors, and develop best practice standards for the provision of resources to survivors.

The bill would take effect immediately upon receiving a two-thirds vote of all the members of each house, otherwise the bill would take effect September 1, 2019.

Methodology

Based on information provided by the Office of the Governor, this analysis assumes five additional FTEs would be needed each fiscal year in order to establish the new Office for Sexual Assault Survivor Assistance. It is estimated that the five FTEs, including a Director, three Program Specialists, and a Grant Coordinator would have a total salary cost of \$385,000 each fiscal year. Benefits and payroll contribution costs would be \$134,481. Associated other operating expenses amount to \$1,500. Additionally, the agency has estimated travel costs of approximately \$20,000 each year for these FTEs to visit stakeholders across the state. This results in total FTE related costs of \$540,981 each fiscal year.

Based on information provided by the Office of the Governor and the bill requiring the office to biennially contract for a survey of the resources provided to survivors by various entities, this analysis assumes that a two-year grant in the amount of \$616,000 each biennium would be required for a qualified entity to survey state resources and assist with the development of best practice standards for providers of sexual assault services. This cost estimate is consistent with the amount the CJD has previously provided in grant funds to various entities for similar research projects.

The bill directs the CJD to use funding available under the federal Victims of Crime Act (VOCA) to carry out the duties of this Office to the extent permitted by federal law. Additional consultation with the U.S. Department of Justice, Office of Justice Programs, Office for Victims of Crime (OVC) would be necessary to determine whether or not any duties of this Office could be funded using the federal VOCA funds. CJD is permitted to set aside 5% of the VOCA funds annually for costs associated with administering the VOCA grant program within Texas. The remaining funds must be distributed in subgrants to eligible entities providing direct services to victims of crime. Based on the fact that this Office would not be involved in the administration of the annual VOCA grant program, CJD believes that the activities conducted by this office would not be considered an eligible cost under the 5% administrative set aside. Furthermore, the Office would not be providing direct services to victims and therefore its costs would not be eligible under the remaining portion of the VOCA grant program.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 300 Trusteed Programs Within the Office of the Governor, 302 Office of the Attorney General, 407 Commission on Law Enforcement

LBB Staff: WP, LBO, JSm, NA