

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

May 29, 2021

TO: Honorable Dan Patrick, Lieutenant Governor, Senate
Honorable Dade Phelan, Speaker of the House, House of Representatives

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB2462 by Neave (Relating to the reporting of a sexual assault, to evidence of a sexual assault or other sex offense, and to other law enforcement procedures occurring with respect to a sexual assault or other sex offense.), **Conference Committee Report**

Estimated Two-year Net Impact to General Revenue Related Funds for HB2462, Conference Committee Report : an impact of \$0 through the biennium ending August 31, 2023.

General Revenue-Related Funds, Five- Year Impact:

<i>Fiscal Year</i>	<i>Probable Net Positive/(Negative) Impact to General Revenue Related Funds</i>
2022	\$0
2023	\$0
2024	\$0
2025	\$0
2026	\$0

All Funds, Five-Year Impact:

<i>Fiscal Year</i>	<i>Probable Savings/(Cost) from Crime Victims Comp Acct 469</i>	<i>Change in Number of State Employees from FY 2021</i>
2022	(\$1,868,469)	2.0
2023	(\$1,974,516)	2.0
2024	(\$2,047,313)	2.0
2025	(\$2,126,523)	2.0
2026	(\$2,204,065)	2.0

Fiscal Analysis

The bill would amend the Code of Criminal Procedure as it relates to a forensic medical examination occurring with respect to a sexual assault reported to a law enforcement agency.

The bill would remove an exception and require a law enforcement agency to request, with consent, a forensic medical examination of a victim of a reported sexual assault for use in the investigation or prosecution of the offense if the sexual assault is reported to the law enforcement agency within 120 hours after the assault.

The bill would provide that if a sexual assault is not reported in the period described, the law enforcement agency could request a forensic medical examination of a victim of a reported sexual assault for use in the

investigation or prosecution of the offense if the agency believes a forensic medical exam would further that investigation or prosecution; a physician or sexual assault examiner notifies the agency after a medical evaluation that a forensic medical exam should be conducted; or the victim is a minor.

The bill would require law enforcement agencies to document, in a manner required by the attorney general, whether the agency requested a forensic medical examination of a victim of a reported sexual assault. A law enforcement agency would be required to provide this documentation to the health care facility providing care to the victim and to the victim or person who consented to the examination on behalf of the victim.

Methodology

According to the Office of the Attorney General (OAG), the bill would result in an increase in forensic medical examinations in sexual assault investigations, which would create significant fiscal implication to the Crime Victims' Compensation (CVC) Program because of that program's obligations under current law. The possible increased burden on the CVC fund would necessitate two FTEs at the Accountant II paygrade to accommodate the increased workload.

The OAG also anticipates the bill having an impact on three areas related to sexual assault examination reimbursements within the CVC Program: Sexual Assault Exam Reimbursements (SAER), Emergency Medical Care (EMC), and CVC claims.

According to the OAG, the changes proposed by the bill will result in an anticipated increase in the number of exams conducted and the subsequent SAER applications. The CVC Program processes an average of 10,781 SAER applications per year with an average \$740 payment. OAG estimates that an additional 10 percent will be received during the first year, an additional 5 percent will be received during the second year, and an additional 2 percent increase in years three to five.

The bill potentially increases the number of EMC exams that may be conducted. Victims may apply for reimbursement for the cost of medical care associated with the sexual assault exam without meeting all the CVC eligibility requirements. The average payment for EMC applications is \$1,109 per application and OAG estimates that with the 10 percent increase in SAER CVC will receive a corresponding 3 percent increase in corresponding EMC applications submitted by victims, as CVC does not receive EMC applications for every SAER submitted. This would lead to an additional 33 EMC applications during the first year, and a 2 percent increase in years two to five. OAG anticipates a 2 percent increase per year in the average payment starting in the second year.

Each year, the CVC Program receives an average 5,630 victim compensation applications per year from victims of sexual assault and other related crimes, or 52 percent of the SAER applications average. On average, 67 percent of applications received are approved and 43 percent of those on average receive a payment. The average payment for a CVC claim in fiscal year 2020 was \$5,433. OAG expects a 2 percent increase in payments in years two to five.

It is assumed that the costs associated with the bill's provisions relating to the tracking and analysis of evidence of a sexual assault or other sex offense, to noncompliance with requirements imposed with respect to that evidence, and to other law enforcement procedures occurring with respect to a sexual offense, could be absorbed using existing resources.

Technology

The OAG anticipates technology costs of \$15,040 in fiscal year 2022 and \$6,660 in each of the subsequent four fiscal years for one-time purchases and recurring services for the additional FTEs.

Local Government Impact

The Lubbock County Sheriff does not anticipate a significant fiscal impact. No significant fiscal implication to

other units of local government is anticipated.

Source Agencies: 302 Office of the Attorney General, 405 Department of Public Safety

LBB Staff: JMc, LBO, SD, DKN, CMA, DPE