

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION

April 3, 2023

TO: Honorable Joe Moody, Chair, House Committee on Criminal Jurisprudence

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB3956 by Smith (Relating to the creation of DNA records for a person arrested for a felony offense and the expunction of DNA records in certain circumstances.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for HB3956, As Introduced : a negative impact of (\$13,520,038) through the biennium ending August 31, 2025.

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:

<i>Fiscal Year</i>	<i>Probable Net Positive/(Negative) Impact to General Revenue Related Funds</i>
2024	(\$6,875,799)
2025	(\$6,644,239)
2026	(\$6,644,239)
2027	(\$6,644,239)
2028	(\$6,644,239)

All Funds, Five-Year Impact:

<i>Fiscal Year</i>	<i>Probable (Cost) from General Revenue Fund 1</i>	<i>Change in Number of State Employees from FY 2023</i>
2024	(\$6,875,799)	15.0
2025	(\$6,644,239)	15.0
2026	(\$6,644,239)	15.0
2027	(\$6,644,239)	15.0
2028	(\$6,644,239)	15.0

Fiscal Analysis

The bill would require the creation of a DNA record for anyone arrested for any felony offense and change the onus of collecting DNA from the arresting agency to the booking agency.

The bill would require that upon acquittal, dismissal, grant of relief offered, or expunction of the offense, the DNA record must be immediately destroyed and removed from the database.

The bill would take effect on September 1, 2023.

Methodology

Utilizing crime data from 2021, the Department of Public Safety (DPS) estimates that approximately 165,000 samples per year for distinct individuals arrested for a felony without DNA already on file would need to be processed and entered in the Combined DNA Index System (CODIS) under the provisions of the bill. The agency's Crime Laboratory Division currently processes approximately 60,000 DNA samples per year. This analysis assumes DPS would process an additional 105,000 DNA samples per year.

Based on information provided by the DPS, the agency would require 15.0 full-time equivalent positions to process the additional DNA samples, including 12.0 Forensic Scientist positions and 3.0 Crime Laboratory Specialist positions. This analysis includes \$1,364,852 in fiscal year 2024 and \$1,436,775 in fiscal year 2025 for salary and benefits.

According to the DPS, each sample kit costs approximately \$45.00. This analysis includes \$4,725,000 each fiscal year in Consumables Supplies for 105,000 additional samples.

Other costs including utilities and other operating expenses total \$544,743 in fiscal year 2024. This includes onetime costs of \$28,032 for laboratory equipment. Other costs total \$347,616 in fiscal year 2025.

Technology

This analysis includes \$241,204 in fiscal year 2024 and \$134,848 in fiscal year 2025 for additional software licenses and improvements to expand the Crime Laboratory's information management system to process the additional samples.

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: JMc, DDel, KFB, DA