

LEGISLATIVE BUDGET BOARD  
Austin, Texas

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION

April 24, 2023

**TO:** Honorable Ryan Guillen, Chair, House Committee on Homeland Security & Public Safety

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB3957** by Smith (Relating to the establishment of a rapid DNA analysis pilot program in certain counties.), **As Introduced**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB3957, As Introduced : a negative impact of (\$15,902,319) 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>	Probable Net Positive/(Negative) Impact to <i>General Revenue Related Funds</i>
2024	(\$4,258,015)
2025	(\$11,644,304)
2026	\$0
2027	\$0
2028	\$0

All Funds, Five-Year Impact:

<i>Fiscal Year</i>	Probable Savings/(Cost) from <i>General Revenue Fund</i> 1	<i>Change in Number of State Employees from FY 2023</i>
2024	(\$4,258,015)	7.0
2025	(\$11,644,304)	7.0
2026	\$0	0.0
2027	\$0	0.0
2028	\$0	0.0

Fiscal Analysis

The bill would require the Department of Public Safety (DPS) to establish a pilot program to optimize the process of reporting DNA records by assisting five law enforcement agencies in fiscal year 2024 and an additional five law enforcement agencies in fiscal year 2025 in implementing rapid analysis of DNA samples.

The bill would require DPS to submit a written report to the legislature no later than January 1, 2026, on the progress of the pilot program and recommend continuation or expansion.

The provisions of the bill would expire September 1, 2025.

The bill would take effect September 1, 2023.

## **Methodology**

Rapid DNA is a term used to describe the fully automated process of developing a DNA profile from a reference sample buccal swab without human intervention. This process would allow for the collection and analysis of an arrestee's DNA sample at the time of booking within a booking station.

According to DPS's Crime Laboratory Division, the Rapid DNA pilot program would be structured similarly to the state's Breath Alcohol program, which provides oversight and technical assistance to booking agencies performing the collection of DNA samples and submitting the DNA profile to the CODIS database.

Each of the ten law enforcement agencies participating in the pilot program would require one FBI approved high-capacity Rapid DNA testing devices at \$250,000 per unit. This analysis assumes a cost of \$1,250,000 in fiscal year 2024 and \$1,250,000 in fiscal year 2025 for 5 devices each fiscal year. DPS would be responsible for the evaluation, validation, and performance verifications of the devices.

According to DPS, the estimated cost to process a DNA sample for a high-capacity Rapid DNA testing device is approximately \$210 per sample. DPS assumes 10,000 samples would be processed in fiscal year 2024 (1,000 to validate the new devices and 9,000 by the first batch of five agencies) and 45,000 samples would be processed in fiscal year 2025 (35,000 as the first five agencies become fully operational and 10,000 by the second batch of five agencies). This analysis includes \$2,100,000 in fiscal year 2024 and \$9,450,000 in fiscal year 2025 for processing 45,000 samples.

DPS would require 7.0 FTEs including 2.0 Forensic Scientists, 1.0 Network Specialist, 1.0 Systems Analyst, 1.0 Research Specialist, 1.0 Program Specialist, and 1.0 Program Manager to implement the provisions of the bill. This analysis includes \$695,872 in fiscal year 2024 and \$731,545 in fiscal year 2025 for salary and benefits.

Other costs including rent, travel, and other operating expenses would total \$212,143 in fiscal year 2024 and \$212,759 in fiscal year 2025.

This analysis assumes funding for the pilot program would end September 1, 2025. Decisions on whether to continue or expand the program would be made in future Legislative sessions.

## **Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 405 Department of Public Safety

**LBB Staff:** JMc, DDeI, KFB, DA