

BILL ANALYSIS

Senate Research Center

H.B. 1729
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Criminal Justice
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In Texas, more than 18,000 incidents of sexual assault were reported in 2015, according to the Texas Department of Public Safety (DPS). Individuals who are victims of sexual assault may choose, or may be asked, to undergo a forensic examination lasting from four to six hours in the immediate aftermath of a sexual assault to collect evidence left behind from the assault. The evidence is preserved in a sexual assault evidence collection kit, commonly referred to as a rape kit. Across Texas, there are thousands of unexamined rape kits that have not been tested, primarily due to lack of funding, some of which have been awaiting examination since August 2011. Testing costs per kit can range from around \$500 to \$2,000. The average cost, according to DPS, is around \$1,000 per kit. The more DNA evidence that is found, the higher the cost to test. For each of these thousands of kits, there is a survivor awaiting trial.

H.B. 1729 provides an opportunity for individuals to voluntarily contribute to a grant program during the application process for an original or renewal driver's license on DPS's website or in person. The bill requires DPS to send any contribution made to the evidence testing grant program to the Texas comptroller of public accounts while also allowing DPS to deduct the money used for administering the program from the total funds deducted. The Legislative Budget Board estimates that H.B. 1729 will generate \$1 million annually for the fund.

H.B. 1729 amends current law relating to establishing and funding a grant program for testing evidence collected in relation to sexual assaults or other sex offenses and authorizes voluntary contributions.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter A, Chapter 521, Transportation Code, by adding Section 521.012, as follows:

Sec. 521.012. VOLUNTARY CONTRIBUTION FOR EVIDENCE TESTING GRANT PROGRAM. (a) Authorizes a person, when the person applies for an original or renewal driver's license or personal identification certificate under this chapter (Driver's Licenses and Certificates), to contribute \$1 or more to the evidence testing grant program (program) established under Section 772.00715, Government Code.

(b) Requires the Texas Department of Public Safety (DPS) to include certain information on the application for an original or renewal driver's license or personal identification certificate and provide an opportunity to contribute to the program during the application process on DPS's website.

(c) Requires DPS to send any contribution to the Texas comptroller of public accounts (comptroller) for deposit to the credit of the evidence testing account established under Section 772.00716, Government Code, not later than the 14th day of each month. Authorizes DPS, before sending money to the comptroller, to

deduct money equal to the amount of reasonable expenses for administering this section.

SECTION 2. Amends Subchapter C, Chapter 522, Transportation Code, by adding Section 522.0295, as follows:

Sec. 522.0295. VOLUNTARY CONTRIBUTION FOR EVIDENCE TESTING GRANT PROGRAM. (a) Authorizes a person, when the person applies for an original or renewal commercial driver's license under this chapter (Commercial Driver's Licenses), to contribute \$1 or more to the program established under Section 772.00715, Government Code.

(b) Requires DPS to include certain information on the application for an original or renewal commercial driver's license and provide an opportunity to contribute to the program during the application process on DPS's website.

(c) Requires DPS to send any contribution to the comptroller for deposit to the credit of the evidence testing account established under Section 772.00716, Government Code, not later than the 14th day of each month. Authorizes DPS, before sending money to the comptroller, to deduct money equal to the amount of reasonable expenses for administering this section.

SECTION 3. Amends Subchapter A, Chapter 772, Government Code, by adding Sections 772.00715 and 772.00716, as follows:

Sec. 772.00715. EVIDENCE TESTING GRANT PROGRAM. (a) Defines "accredited crime laboratory," "criminal justice division," "grant program," and "law enforcement agency."

(b) Requires the criminal justice division in the Office of the Governor (division) to establish and administer a program and to disburse funds to assist law enforcement agencies or counties in testing evidence collected in relation to a sexual assault or other sex offenses.

(c) Authorizes grant funds to be used only for the testing by an accredited crime laboratory of evidence that was collected in relation to a sexual assault or other sex offense.

(d) Authorizes the division to establish additional eligibility criteria for grant applicants and requires the division to establish grant application procedures, guidelines relating to grant amounts, and criteria for evaluating grant applications.

(e) Requires the division to include in the biennial report required by Section 772.006(a)(9) (relating to requiring the governor to establish a division to submit a certain biennial report to the legislature), detailed reporting of the results and performance of the grant program.

(f) Authorizes the division to use any revenue available to the division to fund the program.

Sec. 772.00716. EVIDENCE TESTING ACCOUNT. (a) Provides that the evidence testing account is created as a dedicated account in the general revenue fund of the state treasury.

(b) Authorizes money in the account to be appropriated only to the division established under Section 772.006 (Governor's Criminal Justice Division) for purposes of the program established under Section 772.00715.

(c) Provides that funds distributed under Section 772.00715 are subject to audit by the comptroller.

SECTION 4. Provides that the changes in law made by this Act apply only to a person who applies for an original or renewal driver's license, commercial driver's license, or personal identification certificate on or after January 1, 2018.

SECTION 5. Effective date: September 1, 2017.