

BILL ANALYSIS

Senate Research Center
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H.B. 4102
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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. 4102 provides an opportunity for individuals to voluntarily contribute to a grant program when they register their car. 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.

H.B. 4102 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 H, Chapter 502, Transportation Code, by adding Section 502.414, as follows:

Sec. 502.414. VOLUNTARY CONTRIBUTION FOR EVIDENCE TESTING GRANT PROGRAM. (a) Authorizes a person, when a person registers or renews the registration of a motor vehicle under this chapter, to contribute any amount to the evidence testing grant program (grant program) established under Section 772.00715, Government Code.

(b) Requires the Texas Department of Motor Vehicles (TxDMV) to provide, in a conspicuous manner, an opportunity to contribute to the grant program in any registration renewal system used by TxDMV.

(c) Authorizes the county assessor-collector, if a person makes a contribution under this section and does not pay the full amount of a registration fee, to credit all or a portion of the contribution to the person's registration fee.

(d) Requires the county assessor-collector to send any contribution made under this section 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, at least once every three months. Authorizes TxDMV, before sending the money to the comptroller, to deduct money equal to the amount of reasonable expenses for administering this section.

SECTION 2. 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 (division)," "grant program," and "law enforcement agency."

(b) Requires the division to establish and administer a grant 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 offense.

(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) Provides that the division:

(1) is authorized to establish additional eligibility criteria for grant applicants; and

(2) is required to establish certain criteria and procedures regarding grant applications and amounts.

(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 criminal justice division in the governor's office to submit a certain report reporting the division's activities) 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 grant 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 criminal justice division established under Section 772.006 (Governor's Criminal Justice Division) for purposes of the evidence testing grant program established under Section 772.00715.

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

SECTION 3. Effective date: September 1, 2017.