

## **BILL ANALYSIS**

Senate Research Center  
85R11838 AJZ-D

C.S.S.B. 1163  
By: Garcia  
Criminal Justice  
3/28/2017  
Committee Report (Substituted)

### **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.

S.B. 1163 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 also estimates that S.B. 1163 will generate \$1 million annually for the fund. (Original Author's / Sponsor's Statement of Intent)

C.S.S.B. 1163 amends current law relating to establishing and funding a grant program for testing evidence collected in relating 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 the person, when a person applies for an original or renewal driver's license (license) or personal identification certificate (certificate) under this chapter, to contribute \$1 or more to the evidence testing grant program established under Section 772.00715, Government Code.

(b) Requires the Texas Department of Public Safety (DPS) to include space on the first page of each application for an original or renewal license or certificate that allows a person applying for an original or renewal license or certificate to indicate the amount that the person is voluntarily contributing to the grant program and to provide an opportunity for the person to contribute to the grant program during the application process for an original or renewal license or certificate on DPS's Internet website.

(c) Requires DPS 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, not later than the 14th day of each month. Authorizes DPS, 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 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 a certain commercial license, to contribute \$1 or more to the evidence testing grant program established under Section 772.00715, Government Code.

(b) Requires DPS to include space on the first page of each application for a certain commercial license that allows a person applying to indicate the amount that the person is voluntarily contributing to the grant program and to provide an opportunity for the person to contribute to the grant program during the application process for an original or renewal commercial license on DPS's Internet website.

(c) Requires DPS to send any contribution made under this section 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 the 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 (division) to establish and administer a grant program and to disperse 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) Authorizes the division to establish additional eligibility criteria for grant applicants and requires the division to establish certain procedures, guidelines, and criteria.

(e) Requires the division to include in the biennial report required by Section 772.006(a)(9) (relating to the governor's requirement to establish a criminal justice division in the governor's office to submit a certain report) 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 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 by Section 772.00715 are subject to audit by the comptroller.

SECTION 4. Makes application of this Act prospective to January 1, 2018.

SECTION 5. Effective date: September 1, 2017.