

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 3789-01
Bill No.: HB 1436
Subject: Crimes and Punishment; Criminal Procedure; Law Enforcement Officers and
Agencies; Science and Technology
Type: Original
Date: March 13, 2008

Bill Summary: The proposal expands the DNA profiling system by requiring any person 18 years of age or older who is arrested for a felony to provide a biological sample for the purpose of DNA profiling analysis.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2009	FY 2010	FY 2011
General Revenue	(\$8,819,620)	(\$8,762,161)	(\$8,791,025)
Total Estimated Net Effect on General Revenue Fund	(\$8,819,620)	(\$8,762,161)	(\$8,791,025)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2009	FY 2010	FY 2011
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 8 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2009	FY 2010	FY 2011
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2009	FY 2010	FY 2011
General Revenue	17	17	17
Total Estimated Net Effect on FTE	17	17	17

☒ Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).

☒ Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2009	FY 2010	FY 2011
Local Government	(More than \$100,000)	(More than \$100,000)	(More than \$100,000)

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Social Services, Department of Public Safety – Director’s Office**, and the **Springfield Police Department** assume the proposal would have no fiscal impact on their agencies.

Officials from the **Office of State Courts Administrator** assume the proposed legislation would have no fiscal impact on the courts.

In response to a similar proposal from the current session (HB 1980, LR # 4226-01), officials from the **Department of Corrections (DOC)** assumed they cannot predict the number of new commitments which may result from the creation of the offense(s) outlined in this proposal. An increase in commitments depends on the utilization by prosecutors and the actual sentences imposed by the court.

If additional persons are sentenced to the custody of the DOC due to the provisions of this legislation, the DOC will incur a corresponding increase in operational cost through supervision provided by the Board of Probation and Parole (FY07 average of \$2.43 per offender, per day or an annual cost of \$887 per offender).

In summary, supervision by the DOC through probation or incarceration would result in some additional costs, but it is assumed the impact would be \$0 or a minimal amount that could be absorbed within existing resources.

Officials from the **Department of Public Safety – Missouri State Highway Patrol (MSHP)** assume the Crime Laboratory Division would require additional employees, equipment and space as a result of the proposed legislation. The additional samples resulting from this proposal would increase nearly four times the unit’s current sample processing capability of 50,000 samples per year.

MSHP estimates are based on MSHP UCR Arrestee 2006 statistics and cost calculations are based on the unit’s present processing capacity and operational costs.

ASSUMPTION (continued)

The cost of the collection kit is currently \$31.20
First year cost to process sample DNA 50,000 x \$31.20 = \$1,560,000 (Recurring)
Second year cost and beyond to process sample DNA
250,000 x \$31.20 = \$7,800,000 (Recurring)

17 NEW FTE EMPLOYEES:

3 Laboratory Evidence Technicians I (\$1,016.50 x 24 x 3) = \$73,188 (Recurring)
To receive, accept, track and store all samples; data entry; maintain equipment and supplies.

12 Criminalists I – 11 DNA & 1 CODIS (\$1,508.50 x 24 x 12) = \$434,448 (Recurring)
DNA – To prepare and analyze DNA samples and upload profiles to CODIS.
CODIS – To assist the state CODIS administrator and perform state CODIS duties in the administrator's absence.

1 Laboratory Evidence Control Clerk (\$8,64.50 x 24 x 1) = \$20,748 (Recurring)
To assist the laboratory's CODIS administrators.

1 Computer Information Technician (\$1,352 x 24 x 1) = \$32,448 (Recurring)
To maintain the DNA profiling computer information system.

CONSTRUCTION COSTS:

Laboratory space: 1,000 square feet per FTE at \$300 per square foot
1,000 x \$300 x 17 FTE = \$5,100,000 (One Time)

Sample storage space for 10yrs:
\$150 per square foot x 3,000 square feet = \$450,000 (One Time)
Total construction costs = \$5,100,000 + \$450,000 = \$5,550,000 (One Time)

EQUIPMENT/MAINTENANCE/ACCREDITATION:

Instrumentation/Equipment \$914,332 (One Time)
Equipment maintenance \$75,240 (Recurring)
Accreditation requirements \$25,800 (Recurring)

In summary, MSHP estimates the total cost of the proposal to be approximately \$8,800,000 per fiscal year.

ASSUMPTION (continued)

In response to a similar proposal from the current session (HB 1980, LR # 4226-01), officials from the **Office of Prosecution Services (OPS)** assumed the proposed legislation would appear to have a much more significant fiscal impact on law enforcement members of the criminal justice system than on prosecutors. This proposal is similar to statutory provisions that require certain offenders to be fingerprinted for purposes of maintaining their criminal history. In such existing cases where a criminal case against an individual has been commenced and fingerprints have not been obtained, prosecutors have been instrumental in obtaining court orders for the purpose of obtaining fingerprints.

OPS assumes it is foreseeable that prosecutors will be charged with oversight responsibilities to insure that DNA samples of the appropriate persons are obtained. In the absence of estimates as to the number of cases that would require intervention by county prosecutors, it is not possible to determine what direct fiscal impact, if any this proposed legislation would have on county prosecutors.

Oversight assumes the Office of Prosecution Services and county prosecutors could absorb any additional costs incurred as a result of the proposed legislation within existing resources.

Officials from the **Office of the State Public Defender (SPD)** assume this new crime will require more SPD resources. While the number of new cases (or cases with increased penalties) may be too few or uncertain to request additional appropriations for this specific bill, the SPD will continue to request sufficient appropriations to provide competent and effective representation in all its cases.

Oversight assumes the Office of the State Public Defender (SPD) could absorb the costs of the proposed legislation within existing resources. Oversight assumes any significant increase in the workload of the SPD would be reflected in future budget requests.

Officials from the **Boone County Sheriff's Department** assume they would incur additional costs as a result of the proposed legislation. In 2006, Boone County Jail processed 2,847 people on felony charges. Officials assume the officer time required per individual sample collection would cost the department approximately \$3,600 per fiscal year.

Officials from the **St. Louis County Department of Justice Services** assume the proposal would result in increased costs. Approximately 11,000 persons 18 and older are booked on felony charges. Assuming 25% of those booked previously submitted a DNA sample, officials estimate the annual cost to be \$83,000 per fiscal year.

ASSUMPTION (continued)

Oversight assumes local law enforcement agencies would incur increased costs as a result of the proposed legislation. The law enforcement agencies and/or jail facilities would be required to collect biological samples on all persons 18 years of age or older who are arrested. Oversight assumes the statewide cost to local law enforcement agencies could exceed \$100,000 per fiscal year.

Officials from the Clark County Sheriff's Department, Greene County Sheriff's Department, Jackson County Sheriff's Department, Columbia Police Department, Kansas City Police Department, and the St. Louis Metropolitan Police Department did not respond to Oversight's request for fiscal impact.

<u>FISCAL IMPACT - State Government</u>	FY 2009 (10 Mo.)	FY 2010	FY 2011
GENERAL REVENUE FUND			
<u>Costs – Missouri State Highway Patrol</u>			
Personal Services	(\$481,381)	(\$594,987)	(\$612,836)
Fringe Benefits	(\$212,867)	(\$263,103)	(\$270,996)
Equipment and Expense	(\$1,015,372)	(\$104,071)	(\$107,193)
DNA Collection Kits	(\$1,560,000)	(\$7,800,000)	(\$7,800,000)
Laboratory/Storage Facilities	<u>(\$5,550,000)</u>	<u>\$0</u>	<u>\$0</u>
<u>Total Costs – MSHP</u>	<u>(\$8,819,620)</u>	<u>(\$8,762,161)</u>	<u>(\$8,791,025)</u>
FTE Change – MSHP	17 FTE	17 FTE	17 FTE
ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
	<u>(\$8,819,620)</u>	<u>(\$8,762,161)</u>	<u>(\$8,791,025)</u>
Estimated Net FTE Change for General Revenue Fund	17 FTE	17 FTE	17 FTE

FISCAL IMPACT - Local Government

FY 2009
(10 Mo.)

FY 2010

FY 2011

POLITICAL SUBDIVISIONS

Costs – Local Law Enforcement
Agencies

DNA sample collection

(More than
\$100,000)

(More than
\$100,000)

(More than
\$100,000)

**ESTIMATED NET EFFECT ON
POLITICAL SUBDIVISIONS**

**(More than
\$100,000)**

**(More than
\$100,000)**

**(More than
\$100,000)**

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

FISCAL DESCRIPTION

The proposed legislation expands the DNA profiling system by requiring any person 18 years of age or older who is arrested for a felony to provide a biological sample upon booking at a county jail or detention facility for the purpose of DNA profiling analysis.

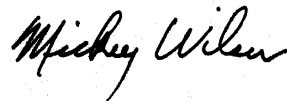
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of State Courts Administrator
Department of Corrections
Department of Social Services
Department of Public Safety
 – Director's Office
 – Missouri State Highway Patrol
Office of Prosecution Services
Office of the State Public Defender
Boone County Sheriff's Department
St. Louis County Department of Justice Services
Springfield Police Department

NOT RESPONDING

Clark County Sheriff's Department
Greene County Sheriff's Department
Jackson County Sheriff's Department
Columbia Police Department
Kansas City Police Department
St. Louis Metropolitan Police Department



Mickey Wilson, CPA
Director
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