

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0517-03
Bill No.: HCS for HB 37
Subject: Courts; Criminal Procedure; Crimes and Punishment
Type: Original
Date: April 29, 2019

Bill Summary: This proposal extends the expiration date to collect surcharges that are deposited into the DNA Profiling Analysis Fund.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2020	FY 2021	FY 2022
Total Estimated Net Effect on General Revenue	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2020	FY 2021	FY 2022
DNA Profiling Analysis Fund (0772)	\$1,028,041	\$1,233,649	\$1,233,649
Total Estimated Net Effect on <u>Other</u> State Funds	\$1,028,041	\$1,233,649	\$1,233,649

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 5 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2020	FY 2021	FY 2022
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2020	FY 2021	FY 2022
Total Estimated Net Effect on FTE	0	0	0

☐ Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$100,000 in any of the three fiscal years after implementation of the act.

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2020	FY 2021	FY 2022
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

§488.5050 - Extends the expiration date of the DNA Profiling Analysis Fund

Officials from the **Department of Public Safety - Missouri State Highway Patrol (MHP)** state HCS HB 37 extends the expiration of a criminal court surcharge for the DNA Profiling Analysis Fund from August 28, 2019, to August 28, 2029.

Pursuant to 650.052, RSMo, the MHP is designated as the central repository for the DNA profiling system known as CODIS or the Combined DNA Index System. The CODIS Unit of the MSHP Crime Laboratory manages the Offender DNA Profiling program and collaborates with the seven other Missouri CODIS laboratories, allowing for their participation in the National DNA Index System. The CODIS Unit receives an average of 21,000 offender DNA samples annually for entry into CODIS, where they are searched against DNA profiles developed from crime scene evidence, unidentified human remains, and missing persons. To date, this program has assisted over 14,300 investigations. It is an invaluable tool for law enforcement in Missouri and nationwide.

It costs \$28.93 per sample/DNA profile in raw consumables to produce a DNA profile by our CODIS unit. If labor costs, instrument, and software maintenance are included, the cost per sample/DNA profile can approach \$46.13.

Failure to address this funding source will not only result in a laboratory budgetary shortfall of approximately \$750,000 each year or the discontinuation of the program which would result in an average of 21,000 offender DNA samples annually not being registered in the CODIS DNA database but could also obviate a return on investment to the citizens of Missouri.

Additional internal calculations are based on the 2017 MSHP Criminal Justice Information Services (CJIS) arrest statistics and the Crime Lab 2017 arrestee offender sample intake. FTE needs and cost calculations are based on the unit's present estimated processing capacity and operational costs.

Oversight does not have any information contrary to that provided by the MHP. Therefore, Oversight will reflect MHP's impact for fiscal note purposes.

ASSUMPTION (continued)

Oversight notes the proposal extends income to the DNA Profiling Fund (0772). The balance of the fund at March 31, 2019 was \$3,548,852 and receipts into this fund over the past five fiscal years have been:

FY2018 - \$1,170,953
FY2017 - \$1,169,311
FY2016 - \$1,224,606
FY2015 - \$1,279,702
FY2014 - \$1,323,673

(Source: Missouri State Treasurer, Fiscal Year End Fund Activity Reports).

Oversight notes over the past five years, this fund averaged \$1,233,649 in annual receipts ($\$1,170,953 + \$1,169,311 + \$1,224,606 + \$1,279,702 + \$1,323,673 = \$6,168,245 / 5$). For fiscal note purposes, Oversight will use the five-year average as a basis of annual collections into this fund. Oversight assumes income to the fund will more than exceed MHP's estimated costs for the program.

Oversight notes that the **Office of State Courts Administrator** has stated the proposal would not have a direct fiscal impact on their organization.

In response to a previous version, **Oversight** notes that the **Office of Administration - Budget & Planning** stated the proposal would not have a direct fiscal impact on their organization.

Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

<u>FISCAL IMPACT - State Government</u>	FY 2020 (10 Mo.)	FY 2021	FY 2022
DNA PROFILING ANALYSIS FUND (0772)			
<u>Income - Extension of Expiration Date for §488.5050 from 08/28/19 to 08/28/29</u>	<u>\$1,028,041</u>	<u>\$1,233,649</u>	<u>\$1,233,649</u>
ESTIMATED NET EFFECT ON THE DNA PROFILING ANALYSIS FUND	<u>\$1,028,041</u>	<u>\$1,233,649</u>	<u>\$1,233,649</u>

FISCAL IMPACT - Local Government

FY 2020
(10 Mo.)

FY 2021

FY 2022

\$0

\$0

\$0

FISCAL IMPACT - Small Business

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

FISCAL DESCRIPTION

This bill removes Chapter 195 and adds Chapter 579, RSMo, relating to controlled substances offenses, to the class of circuit court proceeding costs for which a surcharge of \$60 shall be assessed. Additionally, the bill extends the expiration date of the provisions of the bill to August 28, 2029.

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

Department of Public Safety -
Missouri State Highway Patrol
Office of Administration -
Budget & Planning
Office of State Courts Administrator

Kyle Rieman
Director
April 29, 2019



Ross Strope
Assistant Director
April 29, 2019