

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 2286-01  
Bill No.: SB 553  
Subject: Crimes and Punishment; Department of Corrections; Law Enforcement Agencies and Officers; Criminal Procedure; Highway Patrol  
Type: Original  
Date: March 12, 2007

Bill Summary: The proposal would require juveniles adjudicated of offenses which would constitute certain felonies or any sexual offense under Chapter 566, RSMo, if committed by an adult, and persons who have committed a class A misdemeanor to have a biological sample collected for the purposes of DNA profiling analysis.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2008	FY 2009	FY 2010
General Revenue	(\$3,624,140)	(\$2,528,077)	(\$2,537,319)
<b>Total Estimated Net Effect on General Revenue Fund</b>	<b>(\$3,624,140)</b>	<b>(\$2,528,077)</b>	<b>(\$2,537,319)</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
FUND AFFECTED	FY 2008	FY 2009	FY 2010
<b>Total Estimated Net Effect on <u>Other</u> State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: ( ) indicate costs or losses.  
This fiscal note contains 9 pages.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2008</b>	<b>FY 2009</b>	<b>FY 2010</b>
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)</b>			
<b>FUND AFFECTED</b>	<b>FY 2008</b>	<b>FY 2009</b>	<b>FY 2010</b>
General Revenue	5	5	5
<b>Total Estimated Net Effect on FTE</b>	<b>5</b>	<b>5</b>	<b>5</b>

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).

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2008</b>	<b>FY 2009</b>	<b>FY 2010</b>
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

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## FISCAL ANALYSIS

### ASSUMPTION

Officials from the **Department of Public Safety – Director’s Office, Boone County Sheriff’s Department**, 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.

Officials from the **Department of Corrections (DOC)** assume the penalty provisions in this proposal are for a class A misdemeanor.

Currently, the DOC cannot predict the number of new commitments which may result from the enhancement 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 either through incarceration (FY06 average of \$39.43 per inmate per day, or an annual cost of \$14,394 per inmate) or through supervision provided by the Board of Probation and Parole (FY06 average of \$2.52 per offender per day, or an annual cost of \$920 per offender).

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

Officials from the **Department of Social Services – Division of Youth Services (DYS)** assume the proposal would have no fiscal impact on their agency because DHS is not charged with the responsibility of gathering DNA samples. There is a potential need for DHS to produce a youth for DNA sampling. DHS would cooperate with the responsible authorities to make the youth available for testing.

ASSUMPTION (continued)

Officials from the **Department of Public Safety – Missouri State Highway Patrol (MSHP)** assume they would require a new facility, equipment, and employees as a result of the proposed legislation because there would be an increase in the sample intake to nearly double (100,000 per yr) the unit's present DNA sample processing capability of 50,000 per year.

Estimates are based on the assumption that an equal number of juveniles will be adjudicated as adults were convicted. Actual juvenile and class A misdemeanor statistics are not known. Juvenile statistics are based on the number of adults who were convicted under chapters 565 and 566 RSMo. According to Office of State Courts Administrator, 188,262 misdemeanor charges, excluding traffic, were filed in 2006. The proposed legislation only requires DNA samples for class A misdemeanor convictions. MSHP estimates that approximately 25% of all misdemeanor charges would result in a class A conviction. Cost calculations are based on the unit's present processing capacity and operational costs.

MSHP estimates there would be approximately 28,000 new offenders, 2,500 Juveniles under Chapters 565 and 566, and 50,000 class A misdemeanors annually for a first year total of 80,500.

Taking into account 20% recidivism for the second year and beyond:  
20% of offenders will recommit crimes, and therefore, will not need to have DNA sample processing again. This leaves 80% of offenders: 2,000 (2,500 x 80%) + 40,000 (50,000 x 80%) + 28,000 new offenders each year = 70,000.

Since the unit's present DNA sample processing capability is 50,000 per year, the backlog would be 80,500 - 50,000 = 30,500 for the first year and then assuming the DNA sample processing capability is 100,000 (50,000 x 2 times capability) for the second year and beyond, the backlog would be -500 (70,000 + 30,500 - 100,000), which means the backlog would be completed in 2 years.

The cost of the collection kit and processing is \$22.20	
First year cost to process sample DNA 50,000 x \$22.20 =	\$1,110,000 (Recurring)
Second year cost and beyond to process sample DNA 100,000 x \$22.20 =	\$2,220,000 (Recurring)

MSHP assumes they would require 5 new FTE employees:

2 Laboratory Evidence Technicians I (\$1019 x 24 x 2)	\$48,912 (Recurring)
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To receive, accept, track and store all samples; data entry; maintain equipment and supplies; train collectors.

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ASSUMPTION (continued)

2 DNA Criminalists I (\$1461.50 x 24 x 2) \$70,152 (Recurring)  
To prepare and analyze DNA samples and upload profiles to CODIS.

1 Computer Information Technician (\$1360.50 x 24) \$32,652 (Recurring)  
To maintain the DNA Profiling computer information system.

MSHP assumes the following construction costs for a laboratory and storage space:

Laboratory space: 1,000 square feet per FTE at \$300 per square foot  
1,000 x \$300 x 5 FTE = \$1,500,000 (One Time)

Sample storage space for 10 yrs:  
150,000 samples are stored within 160 square feet  
692,500 samples (10 yrs) / 150,000 samples = 4.62 or 5 (rounded) x 160 square feet = 800  
square feet x \$300 = \$240,000 (One  
Time)

Total construction costs = \$1,500,000 + \$240,000 = \$1,740,000 (One  
Time)

MSHP assumes the following equipment/maintenance/ accreditation costs:

Instrumentation/Equipment (see attachment for breakdown) \$516,648.25 (One Time)  
Equipment maintenance (see attachment for breakdown) \$45,135.00 (Recurring)  
Accreditation requirements (see attachment for breakdown) \$4,300.00 (Recurring)

In summary, MSHP assumes the total cost of the proposal to be \$3,624,140 in FY 08 and approximately \$2,500,000 in subsequent years.

**Oversight** assumes, based on information received from Office of State Courts Administrator, that the legislation would apply to 774 juveniles per year and 83,331 class A misdemeanor convictions per year, or a total of 84,105 DNA samples per year. Since this number approximates the estimated DNA samples per year provided by Missouri State Highway Patrol, Oversight has utilized the cost estimates provided by the Missouri State Highway Patrol for fiscal note purposes.

ASSUMPTION (continued)

Officials from the **Office of Prosecution Services (OPS)** assume the proposal includes provisions for new criminal acts and, therefore, creates new obligations for prosecuting attorneys. Any increase in the number of cases referred for criminal prosecution and any new statutory obligations for prosecutors will have an additional fiscal impact on county prosecutors. However, officials from the OPS are not aware of any estimates of the number of additional criminal cases that would be referred to county prosecutors for charges because of this proposed legislation. Additionally, OPS is not otherwise able to establish a workable estimate of the number of additional criminal cases that would be referred to county prosecutors for charges or how many additional hours the proposed statutory obligations would require of prosecutors. Therefore, it is not possible to determine the extent to which this proposal would have a direct fiscal impact on county prosecutors or the Office of Prosecution Services.

**Oversight** assumes the Office of Prosecution Services (OPS) and county prosecutors could absorb the cost of the proposal within existing resources. If the OPS and county prosecutors experience an increase that would require additional funding, they could request the funding through the appropriation process.

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 Clark County Sheriff's Department, Greene County Sheriff's Department, Jackson County Sheriff's Department, St. Louis County Police Department, St. Louis County Department of Justice Services, 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 2008 (10 Mo.)	FY 2009	FY 2010
<b>GENERAL REVENUE FUND</b>			
<u>Costs – Missouri State Highway Patrol</u>			
Personal Service	(\$130,223)	(\$160,956)	(\$165,784)
Fringe Benefits	(\$77,834)	(\$96,203)	(\$99,089)
Equipment and Expense	(\$1,676,083)	(\$2,270,918)	(\$2,272,446)
Laboratory/Storage Facilities	<u>(\$1,740,000)</u>	<u>\$0</u>	<u>\$0</u>
<u>Total Costs – MSHP</u>	<u>(\$3,624,140)</u>	<u>(\$2,528,077)</u>	<u>(\$2,537,319)</u>
FTE Change – MSHP	5 FTE	5 FTE	5 FTE
 <b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>	 <b><u>(\$3,624,140)</u></b>	 <b><u>(\$2,528,077)</u></b>	 <b><u>(\$2,537,319)</u></b>
 Estimated Net FTE Change for General Revenue Fund	 5 FTE	 5 FTE	 5 FTE
 <u>FISCAL IMPACT - Local Government</u>	 FY 2008 (10 Mo.)	 FY 2009	 FY 2010
	 <b><u>\$0</u></b>	 <b><u>\$0</u></b>	 <b><u>\$0</u></b>

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 requires juveniles adjudicated of offenses which would constitute certain felonies or any sexual offense under Chapter 566, RSMo, if committed by an adult, to have a biological sample collected for the purposes of DNA profiling analysis. The proposal would also require persons who have committed a class A misdemeanor to have the same sample collected.

FISCAL DESCRIPTION (continued)

Any knowing refusal or failure to provide a DNA sample is a class A misdemeanor. Knowingly unauthorized tampering, knowing attempt to tamper, or other knowingly unauthorized use, knowing attempt to use, or knowing dissemination of DNA samples is a class A misdemeanor.

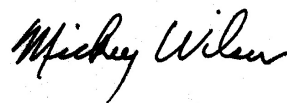
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

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  
Springfield Police Department

NOT RESPONDING

**Clark County Sheriff’s Department**  
**Greene County Sheriff’s Department**  
**Jackson County Sheriff’s Department**  
**St. Louis County Police Department**  
**St. Louis County Department of Justice Services**  
**Columbia Police Department**  
**Kansas City Police Department**  
**St. Louis Metropolitan Police Department**





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