

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 3130-01
Bill No.: SB 794
Subject: Crime and Punishment; Department of Corrections; Law Enforcement Agencies and Officers; Criminal Procedure; Highway Patrol
Type: Original
Date: January 21, 2008

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

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2009	FY 2010	FY 2011
General Revenue	(\$3,277,559)	(\$2,617,852)	(\$2,626,187)
Total Estimated Net Effect on General Revenue Fund	(\$3,277,559)	(\$2,617,852)	(\$2,626,187)

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	5	5	5
Total Estimated Net Effect on FTE	5	5	5

- 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	(Less than \$100,000)	(Less than \$100,000)	(Less than \$100,000)

FISCAL ANALYSIS

ASSUMPTION

Officials from the **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.

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 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 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.

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. The DNA profiling unit currently receives approximately 21,000 samples a year, with the capacity to process 25,000 samples per year. This proposal would increase the unit’s intake by an additional 50,000 samples.

ASSUMPTION (continued)

MSHP's estimates are based on Office of State Courts Administrator's 2005 statistics and cost calculations are based on the unit's present processing capacity and operational costs.

Without increasing the unit's processing capacity, only half of the samples received under this proposal would be analyzed and the backlog of unanalyzed samples could double each year.

The cost of the collection kit and processing is \$31.20
First year cost to process sample DNA 25,000 x \$31.20 = \$780,000 (Recurring)
Second year cost and beyond to process sample DNA
75,000 x \$31.20 = \$2,340,000 (Recurring)

MSHP assumes they would require 5 new FTE employees:

2 Laboratory Evidence Technicians I (\$1,016.50 x 24 x 2) = \$48,792 (Recurring)
To receive, accept, track and store all samples; data entry; maintain equipment and supplies; train collectors.

2 DNA Criminalists I (\$1,508.50 x 24 x 2) = \$72,408 (Recurring)
To prepare and analyze DNA samples and upload profiles to CODIS.

1 Computer Information Technician (\$1,352 x 24) = \$32,448 (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 per square foot x 2,000 square feet = \$300,000 (One Time)

Total construction costs = \$1,500,000 + \$300,000 = \$1,800,000 (One Time)

ASSUMPTION (continued)

MSHP assumes the following equipment/maintenance/ accreditation costs:

Instrumentation/Equipment =	\$465,840 (One Time)
Equipment maintenance =	\$37,220 (Recurring)
Accreditation requirements =	\$4,300 (Recurring)

In summary, MSHP assumes the total cost of the proposal to be \$3,277,559 in FY 09 and approximately \$2,600,000 in subsequent years.

Officials from the **Office of Prosecution Services (OPS)** did not respond to Oversight's request for fiscal impact. However, in response to a similar proposal from the 2007 Session (SB 553, LR # 2286-01), officials assumed 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.

ASSUMPTION (continued)

Officials from the **Boone County Sheriff's Department** assume they would incur increased costs. They would be required to collect DNS samples and properly complete associated kit paperwork. Officials are unable to project the number of samples they would have to collect, but assume the costs have the potential of being substantial.

Officials from the **St. Louis County Department of Justice Services** assume the proposal would result in increased costs. Approximately 200 persons are sentenced for class A misdemeanors annually. Officials estimate the cost to be \$2,000 per fiscal year.

Oversight assumes local law enforcement agencies would incur increased costs as a result of the proposed legislation. Based on information received from local law enforcement agencies, Oversight assumes the statewide cost to local law enforcement agencies would not exceed \$100,000 per fiscal year.

Officials from the Clark County Sheriff's Department, Greene County Sheriff's Department, Jackson County Sheriff's Department, St. Louis County Police 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	FY 2010	FY 2011
	(10 Mo.)		
GENERAL REVENUE FUND			
<u>Costs – Missouri State Highway Patrol</u>			
Personal Service	(\$131,881)	(\$163,005)	(\$167,895)
Fringe Benefits	(\$58,318)	(\$72,081)	(\$74,243)
Equipment and Expense	(\$1,287,360)	(\$2,382,766)	(\$2,384,049)
Laboratory/Storage Facilities	(\$1,800,000)	\$0	\$0
Total Costs – MSHP	<u>(\$3,277,559)</u>	<u>(\$2,617,852)</u>	<u>(\$2,626,187)</u>
FTE Change – MSHP	5 FTE	5 FTE	5 FTE
 ESTIMATED NET EFFECT ON			
GENERAL REVENUE FUND	<u>(\$3,277,559)</u>	<u>(\$2,617,852)</u>	<u>(\$2,626,187)</u>
 Estimated Net FTE Change for General Revenue Fund			
	5 FTE	5 FTE	5 FTE

<u>FISCAL IMPACT - Local Government</u>	FY 2009 (10 Mo.)	FY 2010	FY 2011
POLITICAL SUBDIVISIONS			
<u>Costs – Law Enforcement Agencies</u>			
Biological sample collection	<u>(Less than \$100,000)</u>	<u>(Less than \$100,000)</u>	<u>(Less than \$100,000)</u>
ESTIMATED NET EFFECT ON POLITICAL SUBDIVISIONS	<u>(Less than \$100,000)</u>	<u>(Less than \$100,000)</u>	<u>(Less than \$100,000)</u>

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.

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.

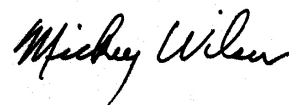
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

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
St. Louis County Department of Justice Services
Springfield Police Department

NOT RESPONDING

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



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