

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 0344-05  
Bill No.: SS for HCS for HB 152  
Subject: Criminal Procedure; Crimes and Punishment; Science and Technology; Law Enforcement Officers and Agencies  
Type: Original  
Date: May 12, 2009

Bill Summary: The proposal expands the DNA profiling system by requiring any person 17 years of age or older who is arrested for a felony offense under chapter 565, 566, 567, 568, or 573 RSMo, or burglary in the first or second degrees (Sections 679.160 and 569.170, RSMo) to provide a biological sample for the purpose of DNA profiling analysis.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2010	FY 2011	FY 2012
General Revenue	(\$676,640)	(\$476,111)	(\$478,018)
<b>Total Estimated Net Effect on General Revenue Fund</b>	<b>(\$676,640)</b>	<b>(\$476,111)</b>	<b>(\$478,018)</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
FUND AFFECTED	FY 2010	FY 2011	FY 2012
<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 8 pages.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2010</b>	<b>FY 2011</b>	<b>FY 2012</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 2010</b>	<b>FY 2011</b>	<b>FY 2012</b>
General Revenue	1	1	1
<b>Total Estimated Net Effect on FTE</b>	<b>1</b>	<b>1</b>	<b>1</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 2010</b>	<b>FY 2011</b>	<b>FY 2012</b>
<b>Local Government</b>	<b>(More than \$100,000)</b>	<b>(More than \$100,000)</b>	<b>(More than \$100,000)</b>

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## FISCAL ANALYSIS

### ASSUMPTION

In response to a previous version of the proposal (HCS for HB 152, LR # 0344-02), officials from the **Department of Corrections, Department of Social Services, and the Springfield Police Department** assumed the proposal would have no fiscal impact on their agencies.

In response to a previous version of the proposal (HCS for HB 152, LR # 0344-03), officials from the **Office of State Courts Administrator** assumed the proposed legislation would have no fiscal impact on the courts.

In response to a previous version of the proposal (HB 152, LR # 0344-01), officials from the **Office of Prosecution Services** assumed the proposal would have no measurable fiscal impact the Office of Prosecution Services or county prosecutors.

In response to a previous version of the proposal (HB 152, LR # 0344-03), officials from the **Department of Public Safety – Missouri State Highway Patrol (MSHP)** assume the proposed legislation would expand the DNA profiling system by requiring any person 17 years of age or older who is arrested for a felony under Chapters 565, 566, and 569, RSMo, to provide a biological sample for the purpose of DNA profiling analysis. These chapters cover the offenses for the most violent crimes and burglaries.

The MSHP's Crime Laboratory Division estimates that the proposed legislation could result in the collection of an additional 42,823 DNA samples. This equates to approximately 13,233 more samples than the unit's present capacity of 50,000 samples per year. To properly implement this proposal, the unit would need one additional FTE, some equipment, and additional funding for collection kits, reagents, and consumables.

MSHP estimates are based on the MSHP UCR 2007 arrest statistics and the CLD 2007 offender sample intake. The UCR statistics collects data based on 18 years of age; therefore, the effect of changing the arrest to 17 years of age cannot be determined. The number of samples received in 2007 from convicted offenders under chapters 565, 566, and 569 were subtracted from the number of arrests made in 2007. This subtraction is believed to prevent duplication in sample count.

ASSUMPTION (continued)

FTE needs and cost calculations are based on the unit's present processing capacity and operational costs. The unit's sample processing capability of 50,000 samples/year was subtracted from the total samples projected under this proposal.

These two adjustments result in an expectation of additional samples each year. The fiscal note is for the FTE Laboratory Evidence Technician (at \$25,944 per year), equipment, and funding needed to process the samples.

The cost of the collection kit is currently \$31.20		
Cost to process sample DNA (13,223 x \$31.20)	\$412,558	(Recurring)
1 Laboratory Evidence Technician (\$1,081 x 24)	\$25,944	(Recurring)
To receive, accept, track, and store all samples; data entry; maintain equipment and supplies		
Equipment/Maintenance/Accreditation		
Instrumentation/Equipment (see attachment for breakdown)	\$204,300	(One Time)
Equipment maintenance (see attachment for breakdown)	\$18,500	(Recurring)

The MSHP's Information Systems Division would utilize outside consultants to create the coding necessary to modify the MSHP's criminal history database.

40 consultant hours at \$82 per hour (\$82 x 40)	\$3,280	(One Time)
Storage for increased data volume	\$2,000	(One Time)

In summary, MSHP estimates the total cost of the proposal to be approximately \$680,000 in FY 10 and approximately \$480,000 in subsequent years.

Due to time constraints, **Oversight** will use information provided in response to previous versions of this proposal. Oversight assumes that the changes between this version and those previous versions would not significantly change the fiscal impact of the proposal. If the changes result in a significantly larger workload or if unanticipated costs are incurred, resources could be requested through the budget process.

ASSUMPTION (continued)

In response to a previous version of the proposal (HCS for HB 152, LR # 0344-02), officials from the **Office of the State Public Defender (SPD)** assumed increasing penalties on existing crimes, or creating new crimes, 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.

In response to a previous version of the proposal (HCS for HB 152, LR # 0344-02), officials from the **Boone County Sheriff's Department** assumed they would incur additional costs as a result of the proposed legislation. Officials estimate 5 minutes per individual sample collection and \$1.27 in officer salary based on 5 minutes of the mid-point hourly pay rate, multiplied by the number of qualifying felony arrests per year. Officials state there are hundreds, if not thousands when adding burglary arrests, of felony arrests under Chapters 565, 566, and 569 made annually in Boone County. Officials did not quantify the annual costs of the proposal.

**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 17 years of age or older who are arrested for felony offenses under chapter 565 or 566, RSMo. 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, 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 2010 (10 Mo.)	FY 2011	FY 2012
<b>GENERAL REVENUE FUND</b>			
<u>Costs – Missouri State Highway Patrol</u>			
Personal Services	(\$22,269)	(\$27,524)	(\$28,350)
Fringe Benefits	(\$13,733)	(\$16,974)	(\$17,483)
Equipment and Expense	(\$226,080)	(\$19,055)	(\$19,627)
DNA Collection Kits	(\$412,558)	(\$412,558)	(\$412,558)
Storage Facilities	<u>(\$2,000)</u>	<u>\$0</u>	<u>\$0</u>
<u>Total Costs – MSHP</u>	<u>(\$676,640)</u>	<u>(\$476,111)</u>	<u>(\$478,018)</u>
FTE Change – MSHP	1 FTE	1 FTE	1 FTE

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>	<b><u>(\$676,640)</u></b>	<b><u>(\$476,111)</u></b>	<b><u>(\$478,018)</u></b>
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Estimated Net FTE Change for General Revenue Fund	1 FTE	1 FTE	1 FTE
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<u>FISCAL IMPACT - Local Government</u>	FY 2010 (10 Mo.)	FY 2011	FY 2012
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**LOCAL GOVERNMENT**

<u>Costs – Local Law Enforcement Agencies</u>			
DNA sample collection	<u>(More than \$100,000)</u>	<u>(More than \$100,000)</u>	<u>(More than \$100,000)</u>

<b>ESTIMATED NET EFFECT ON LOCAL GOVERNMENT</b>	<b><u>(More than \$100,000)</u></b>	<b><u>(More than \$100,000)</u></b>	<b><u>(More than \$100,000)</u></b>
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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 would expand the Missouri State Highway Patrol Crime Laboratory DNA profiling system by requiring any person 17 years of age or older who is arrested for a felony under Chapter 565, 566, 567, 568, or 573 RSMo, or for the offenses of burglary in the first degree (Section 569.160), or burglary in the second degree (Section 569.170) to provide a biological sample upon booking at a county jail or detention facility for the purpose of DNA profiling analysis.

The proposal would provide for the sample and related records to be expunged in certain circumstances. Within ninety days of warrant refusal, the arresting agency be required to notify the crime laboratory of such refusal. If the charges are withdrawn, the prosecutor would be required to notify the crime laboratory that such charges have been withdrawn. If the case is dismissed, the court would be required to notify the crime laboratory of such dismissal. If the court finds at the preliminary hearing that there is no probable cause that the defendant committed the offense or if the defendant is found not guilty, the court would be required to notify the crime laboratory of such verdict. If the state highway patrol crime laboratory receives such notice from the arresting agency, the prosecutor, or the court, the crime laboratory would be required to expunge the DNA sample and DNA profile of the subject within thirty days unless the crime laboratory determines that the individual has other qualifying offenses or arrests that would require a DNA sample to be taken and retained.

The legislation may be federally mandated. The federal Adam Walsh act requires registered sex offenders to submit DNA samples.

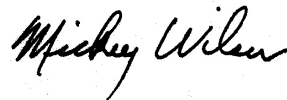
This legislation would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of State Courts Administrator  
Department of Corrections  
Department of Social Services  
Department of Public Safety  
    – 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**  
**Columbia Police Department**  
**Kansas City Police Department**  
**St. Louis Metropolitan Police Department**



Mickey Wilson, CPA  
Director  
May 12, 2009