

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 3910-01
Bill No.: SB 696
Subject: Crimes and Punishment; Law Enforcement Officers and Agencies
Type: Original
Date: February 7, 2020

Bill Summary: This proposal requires every individual who is 17 years or older and is arrested for a felony offense to provide a biological sample for DNA profiling. It also creates a procedure for certain persons who have had their samples collected to request expungement.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2021	FY 2022	FY 2023
General Revenue	(Less than \$100,000)	(Less than \$100,000)	(Less than \$100,000)
Total Estimated Net Effect on General Revenue	(Less than \$100,000)	(Less than \$100,000)	(Less than \$100,000)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2021	FY 2022	FY 2023
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
 This fiscal note contains 6 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2021	FY 2022	FY 2023
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2021	FY 2022	FY 2023
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 2021	FY 2022	FY 2023
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

§650.055 - DNA profiling and expungement of samples

For the purpose of this proposed legislation, officials from the **Office of State Public Defender (SPD)** state they cannot assume that existing staff will provide effective representation for any new cases arising where indigent persons are charged with additional crimes after providing the required DNA (cold case hits). The Missouri State Public Defender System is currently providing legal representation in caseloads in excess of recognized standards.

While the number of new cases (or cases with increased penalties) may be too few or uncertain to request additional funding for this specific bill, the SPD will continue to request sufficient appropriations to provide effective representation in all cases where the right to counsel attaches.

Oversight notes over the last three fiscal years, the SPD has lapsed a total of \$153 of General Revenue appropriations (\$2 out of \$28.0 million in FY 2017; \$150 out of \$42.5 million in FY 2018; and \$1 out of \$46.0 million in FY 2019). Therefore, Oversight assumes the SPD is at maximum capacity, and the increase in workload resulting from this bill cannot be absorbed with SPD's current resources.

Adding one additional Assistant Public Defender 1 (APD) with a starting salary of \$47,000, will cost approximately \$74,500 per year in personal service and fringe benefit costs. One additional APD II (\$52,000 per year; eligible for consideration after 1 year of successful performance at APD I) will cost the state approximately \$81,000 per year in personal service and fringe benefit costs. When expense and equipment costs such as travel, training, furniture, equipment and supplies are included, Oversight assumes the cost for a new APD could approach \$100,000 per year.

SPD notes in the Attorney General's budget hearing on February 6, 2020, it was mentioned there are 6,000 backlogged rape kits. The more data, the more likely a hit and, potentially, a new case for the State Public Defender's Office.

Oversight assumes the SPD cannot absorb the additional caseload that may result from this proposal within their existing resources and, therefore, will reflect a potential additional cost of (Less than \$100,000) per year to the General Revenue Fund.

ASSUMPTION (continued)

Officials from the **Department of Public Safety - Missouri State Highway Patrol (MHP)** anticipate no fiscal impact. Although there will be cost of sample processing and analysis, to include collection and testing materials, the MHP should be able to absorb this in their existing budget. Also, the MHP spends approximately 12 hours per month on expunging samples and that time would be used elsewhere within the lab to help with backlogs in those areas.

Oversight notes the MHP is provided with core funding to handle a certain amount of activity each year. Therefore, Oversight will reflect the MHP's no impact to handle the costs related to this proposal.

Officials from the **Department of Corrections (DOC)** state this legislation would require every individual who is 17 years or older and is arrested for a felony offense to provide a biological sample for DNA profiling. It would also create a procedure for certain persons who have had their samples collected to request expungement.

Because the bill increases the requirement for DNA collection at the point of arrest rather than after sentencing, it is unlikely to have an impact on the DOC.

Oversight does not have any information contrary to that provided by DOC. Therefore, Oversight will reflect DOC's no impact for fiscal note purposes.

Officials from the **Missouri Office of Prosecution Services (MOPS)** assume the proposal will have no measurable fiscal impact on MOPS.

Officials from the **Boone County Sheriff's Department (BCSD)** state this proposal would not have a direct fiscal impact on their organization. The BCSD notes the age of adults/juveniles is changing to 18 in 2021. As written, and as of 2021, this would require DNA samples to be collected from juveniles (those that are age 17).

Oversight notes the **Attorney General's Office**, the **Department of Revenue**, the **Department of Transportation**, the **Office of State Courts Administrator**, the **Springfield Police Department**, the **St. Louis County Police Department**, and the **St. Louis County Department of Justice Services** have each stated the proposal would not have a direct fiscal impact on their respective organizations. Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

Oversight only reflects the responses that we have received from state agencies and political subdivisions; however, other county prosecutors, police and sheriff's departments were requested to respond to this proposed legislation but did not. A general listing of political subdivisions included in our database is available upon request.

<u>FISCAL IMPACT - State Government</u>	FY 2021 (10 Mo.)	FY 2022	FY 2023
GENERAL REVENUE FUND			
<u>Costs - SPD (\$650.055) Salaries, fringe benefits, and equipment and expense</u>	<u>(Less than \$100,000)</u>	<u>(Less than \$100,000)</u>	<u>(Less than \$100,000)</u>
ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND	<u>(Less than \$100,000)</u>	<u>(Less than \$100,000)</u>	<u>(Less than \$100,000)</u>
<u>FISCAL IMPACT - Local Government</u>	FY 2021 (10 Mo.)	FY 2022	FY 2023
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

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

FISCAL DESCRIPTION

Under current law, every individual who is 17 years old or older and is arrested for burglary, sex-related felonies, and certain felonies committed against a person must provide a biological sample for DNA profiling analysis.

This act requires every individual who is 17 years old or older who is arrested for any felony offense to provide a biological sample for DNA profiling.

This act provides a procedure for individuals who qualify to have their DNA records expunged to request that expungement, and repeals provisions relating to the automatic expungement of certain records.

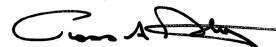
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Attorney General's Office
Department of Corrections
Department of Revenue
Department of Public Safety -
 Missouri State Highway Patrol
Department of Transportation
Missouri Office of Prosecution Services
Office of State Courts Administrator
State Public Defender's Office
Boone County Sheriff's Department
Springfield Police Department
St. Louis County Police Department
St. Louis County Department of Justice Services



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