

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. NO. 3729-02
BILL NO. SB 872
SUBJECT: Evidence; Crimes and Punishment
TYPE: Original
DATE: February 7, 2000

FISCAL SUMMARY

ESTIMATED NET EFFECT ON STATE FUNDS			
FUND AFFECTED	FY 2001	FY 2002	FY 2003
General Revenue	(\$336,233 to Unknown)	(\$391,317 to Unknown)	(\$16,520)
Total Estimated Net Effect on <u>All</u> State Funds	(\$336,233 to Unknown)	(\$391,317 to Unknown)	(\$16,520)

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2001	FY 2002	FY 2003
None			
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2001	FY 2002	FY 2003
Local Government	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses
This fiscal note contains 4 pages.

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of State Courts Administrator** and the **Office of State Public Defender** assume the proposed legislation would have no fiscal impact on their agencies.

Officials from the **Department of Public Safety - State Highway Patrol (MHP)** assume the proposal would require them to acquire and store all the biological case evidence specimens pertaining to felonies, as required under the database statute, for an unspecified amount of time.

In 1999 Missouri circuit court trials resulted in approximately 3,000 felony convictions meeting the database requirements; this may bring anywhere from 15,000 to 30,000 specimens per year, and this number would continue to grow since no time frame is specified. One of the crime lab's current evidence lockers is 230 square feet and stores approximately 5,000 specimens. Storing 30,000 specimens would require 6 times more space, or approximately 1,400 square feet. MHP would need a secure facility. This storage facility would need to be approximately 1,400 square feet.

The DNA convicted offender lab is 1,081 square feet and accommodates two capillary electrophoresis systems. If MHP were to analyze just 5,000 casework specimens per year, the caseload would increase ten-fold and would require five times the current manpower, leading to the need for a new lab and FTEs. MHP would need a new crime lab of 7,000 square feet to accommodate the new FTE. MHP assumes it would require 3 FTE Laboratory Evidence Technicians, 2 FTE Laboratory Records and Evidence Control Clerks, 5 DNA Technicians, 13 DNA Examiners, and 2 DNA Examiner Supervisors, plus related equipment and expense for each position.

Oversight assumes, based on DOC's assumptions, that there are 8,613 inmates serving sentences which fall under the felony provisions of the proposal. If 20% of those currently serving wish to serve notice to the prosecuting attorney and the trial court subsequently orders the state to compare DNA test results regarding the trial evidence and the defendant, MHP would be subjected to approximately 1,720 more cases. Allowing three pieces of evidence per case would bring the total additional specimen count to 5,160. Currently, MHP utilizes six FTE to perform DNA testing on approximately 3,000 specimens. To perform DNA testing on the additional specimens, Oversight assumes MHP would require 10 DNA Examiners plus the related equipment for each position. Oversight assumes there would be an increase in caseload during FY 2001 and FY 2002 as inmates begin utilizing this provision. The rush would likely subside by FY 2003; therefore, Oversight has included costs for FTE during FY 2001 and FY 2002 only. Oversight assumes MHP would lease crime lab space and equipment for FY 2001 and FY 2002; however, cost estimates are not available at this time and are reflected in this fiscal note as

ASSUMPTION (continued)

unknown. In addition, Oversight assumes MHP would require a storage facility for the additional DNA evidence it would be required to maintain.

Officials from the **Department of Corrections (DOC)** assume it is not possible for DOC to estimate the number of cases that would occur in a year where this proposed DNA procedure would apply. Potentially, there are many thousands of offenders who could have an interest in pursuing a DNA evidence defense as the DNA analysis technology progresses over time. Looking only at the current inmate population for inmates confined for sex offenses and for inmates confined for offense categories that would be considered as Dangerous Felonies, DOC has 8,613 persons in prison that may fit into that group. DOC's responsibility in this matter extends beyond confined inmates and would also include persons on parole or on probation and this number is not included in the 8,613 figure noted in the above assumption.

The minimum cost for DNA forensic testing is \$450. DOC estimates the potential cost could be significant or in excess of \$100,000 annually.

Oversight assumes the costs for DNA testing will be incurred by the Missouri State Highway Patrol (MHP). Those costs are reflected in MHP's response.

Officials from the **Office of Prosecution Services** assume the cost of the proposed legislation is unknown as it depends on utilization by local prosecutors. **Oversight** assumes these costs could be absorbed with existing resources.

<u>FISCAL IMPACT - State Government</u>	FY 2001	FY 2002	FY 2003
	(10 Mo.)		
GENERAL REVENUE			
<u>Costs - State Highway Patrol (MHP)</u>			
Salaries	(\$220,200)	(\$270,846)	\$0
Fringe Benefits	(84,513)	(103,951)	\$0
Expense and Equipment	<u>(31,520)</u>	<u>(16,520)</u>	<u>(\$16,520)</u>
Sub Total	(\$336,233)	(\$391,317)	(\$16,520)
 Lease Crime Lab and Equipment	 <u>(Unknown)</u>	 <u>(Unknown)</u>	 <u>\$0</u>
 Total	 <u>(\$336,233 to</u>	 <u>(\$391,317 to</u>	 <u>Unknown) Unknown) (\$16,520)</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2001 (10 Mo.)	FY 2002	FY 2003
	0	0	0

FISCAL IMPACT - Small Business

No direct fiscal impact on small businesses would be expected due to this proposal.

DESCRIPTION

Current law requires the Department of Corrections or Highway Patrol to ensure compliance with DNA testing requirements for certain violent or sexual felonies. This proposal requires the Department of Public Safety to preserve any evidence from the criminal trial which has been or can be subject to DNA testing. It also allows a defendant convicted of violent or sexual felonies requiring testing to make a post-conviction motion for DNA testing of evidence from trial. The defendant must establish a prima facie case that identity was contested in the criminal case. If granted, the state shall compare DNA test results regarding the trial evidence and the defendant.

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

SOURCES OF INFORMATION

Office of Attorney General
Office of State Courts Administrator
Department of Corrections
Department of Public Safety - State Highway Patrol
Office of Prosecution Services
Office of State Public Defender

NOT RESPONDING: Office of Attorney General



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Director
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