

Department of Planning and Budget 2015 Fiscal Impact Statement

1. Bill Number: HB1617

House of Origin ☒ Introduced ☐ Substitute ☐ Engrossed
Second House ☐ In Committee ☐ Substitute ☐ Enrolled

2. Patron: Toscano

3. Committee: Courts of Justice

4. Title: DNA analysis upon conviction of certain Class 1 misdemeanors.

- 5. Summary:** The proposed legislation requires every person convicted of certain offenses under Title 18.2 that are punishable as Class 1 misdemeanors to have a sample of his blood, saliva, or tissue taken for DNA analysis. The bill also requires such sample be taken from every juvenile convicted of or adjudicated delinquent of any of three misdemeanor sex offenses: (i) § 18.2-67.4 (sexual battery), (ii) subsection C of § 18.2-67.5 (attempt to commit sexual battery), and (iii) § 18.2-130 (peeping). Under current law, a sample is not taken for DNA analysis from juveniles convicted or adjudicated delinquent of any misdemeanor offenses and is taken from adults convicted of only five misdemeanor sex offenses: (a) § 18.2-67.4, (b) § 18.2-67.4:2 (sexual abuse of a child 13 years of age or older but under 15), (c) subsection C of § 18.2-67.5, (d) § 18.2-130, or (e) § 18.2-370.6 (penetrating the mouth of a child under 13 with the tongue).

The Department of Forensic Science (Department) is responsible for putting the convicted person's analyzed sample information into the Department's Laboratory Information Database System (LIDS). The provisions of the bill apply only to persons convicted or juveniles adjudicated delinquent on or after July 1, 2015.

6. Budget Amendment Necessary: Yes. Item 401.

7. Fiscal Impact Estimates: Preliminary. See Items 7a, 7b and 8.

7a. Expenditure Impact:

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Positions</i>	<i>Fund</i>
2015	\$0	0	General Fund (GF)
2016	\$503,000	1	GF
2017	\$503,000	1	GF
2018	\$503,000	1	GF
2018	\$503,000	1	GF
2020	\$503,000	1	GF
2021	\$503,000	1	GF

7b. Revenue Impact:

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Fund</i>
2015	0	General Fund (GF)
2016	\$175,000	GF
2017	\$175,000	GF
2018	\$175,000	GF
2019	\$175,000	GF
2020	\$175,000	GF
2021	\$175,000	GF

8. Fiscal Implications:

According to the Department, the provisions of this legislative proposal create a fiscal impact because it will incur costs to perform DNA analysis on bodily fluid and tissue samples. In calculating its fiscal impact, the Department has assumed that it will receive approximately between 12,000 and 16,000 additional DNA samples annually as a result of this bill. This number of samples is estimated based on data provided by the Virginia State Police (there are approximately 22,500 new State Identification numbers (SIDs) assigned for Class 1 misdemeanor arrests annually).

The Department cannot absorb the increased workload or laboratory costs within existing resources. In order to process these additional samples in a timely manner, an additional analyst compensated at \$69,000 annually would need to be hired to the Department's Forensic Biology. Additionally, the collection kits and chemistries will cost approximately \$31.00 for each DNA sample submitted. Based on the range of anticipated additional samples, the Department estimates that the DNA testing supplies expenditure costs to be between \$441,000 and \$574,300. The Department provides Buccal DNA collection testing kits to state and local law enforcement at no cost.

Under the current law, a fee of \$25.00 is assessed as part of the court costs for the collection of a DNA samples upon conviction. One half of that fee is deposited into the Commonwealth's general fund. Estimated additional annual revenue of \$175,000 to the Commonwealth's General fund is anticipated from this fee (\$12.50 multiplied by an estimated 14,000 additional samples).

No fiscal impact is anticipated due to the proposal on the Department of Corrections, the Department of Juvenile Justice, and the Department of State Police.

9. Specific Agency or Political Subdivisions Affected: Department of Forensic Science, state and local law enforcement agencies.

10. Technical Amendment Necessary: Yes. The Department recommends that the enactment clause to this bill be amended to change the effective date of the legislation to January 1, 2016 (from the current July 1, 2015) to provide the agency with necessary time to increase the capacity of the DNA Data Bank to process the additional samples required by this proposal. If this amendment is accepted, the expenditure impact for FY16 would be reduced to \$268,750 (9 months of personnel costs and 6 months of sample costs).

11. Other Comments: None.

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