

Department of Planning and Budget

2015 Fiscal Impact Statement

1. Bill Number: HB1928

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

2. Patron: Bell, Robert B.

3. Committee: Courts of Justice

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

5. Summary: This proposed legislation adds offenses punishable as Class 1 or Class 2 misdemeanors under § 16.1-253.2 (violation of protective orders), Title 18.2, with certain exceptions, Title 19.2, or § 20-61 (desertion or nonsupport) to the list of offenses for which a person convicted of such offense must have a sample of his blood, saliva, or tissue taken for DNA analysis, provided that the person was sentenced to a term of incarceration, regardless of whether such sentence is suspended in whole or in part. The bill also requires such sample be taken from every juvenile convicted of or adjudicated delinquent of such misdemeanors who has been committed to the Department of Juvenile Justice and every juvenile convicted of or adjudicated delinquent of a violation of § 18.2-67.4 (sexual battery), subsection C of § 18.2-67.5 (attempt to commit sexual battery), or § 18.2-130 (peeping). Under current law, a sample is not taken for DNA analysis from juveniles convicted of or adjudicated delinquent of any misdemeanor offenses and is taken from adults convicted of only five misdemeanor sex offenses: (i) § 18.2-67.4, (ii) § 18.2-67.4:2 (sexual abuse of a child 13 years of age or older but under 15), (iii) § 18.2-67.5, (iv) § 18.2-130, or (v) § 18.2-370.6 (penetrating the mouth of a child under 13 with the tongue).

The Department of Forensic Science (Department) is responsible for entering information regarding DNA samples received for the DNA Data Bank into the Local Inmate Data System (LIDS) DNA Sample Tracking System. Law enforcement agencies are required to check the LIDS DNA Sample Tracking System prior to collecting a DNA sample to prevent duplicate samples from being submitted. 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	\$935,500	3	GF
2017	\$935,500	3	GF
2018	\$935,500	3	GF
2018	\$935,500	3	GF
2020	\$935,500	3	GF

2021	\$935,500	3	GF
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7b. Revenue Impact:

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Fund</i>
2015	0	General Fund (GF)
2016	\$293,750	GF
2017	\$293,750	GF
2018	\$293,750	GF
2019	\$293,750	GF
2020	\$293,750	GF
2021	\$293,750	GF

- 8. Fiscal Implications:** According to the Department, it will incur costs to perform DNA analysis on bodily fluid and tissue samples. In calculating its fiscal impact, DFS has assumed that it will receive approximately between 21,000 and 26,000 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 over 40,000 new State Identification numbers (SIDs) assigned for Class 1 and Class 2 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, three additional analysts compensated at \$69,000 annually would need to be hired in the Department's DNA Data Bank Section. Additionally, the collection kits and chemistries will cost approximately \$31 for each DNA sample submitted. Based on the range of anticipated additional samples, expenditure costs would range from \$858,000 - \$1,022,300. Additionally, the Department provides Buccal DNA collection kits to state and local law enforcement at no cost.

Under the current law, a fee of \$25 is assessed as part of the court costs for the collection of each DNA sample upon conviction. One half of that fee is deposited into the Commonwealth's general fund. Estimated additional annual revenue of \$293,750 to the Commonwealth's General fund is anticipated from this fee (\$12.50 multiplied by an estimated 23,500 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 time to increase the capacity of the DNA Data Bank to process the additional samples required by this bill. If this amendment is accepted, the expenditure impact for FY16 would be reduced to \$516,500 (9 months of personnel costs and 6 months of sample costs).

- 11. Other Comments:** None.