

## Department of Planning and Budget 2015 Fiscal Impact Statement

**1. Bill Number:** SB1187S1

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

**2. Patron:**    Obenshain

**3. Committee:** Senate Finance

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

**5. Summary:** The substitute provides that every person convicted of a misdemeanor violation of § 16.1-253.2 (violation of provisions of protective order), 18.2-60.3 (stalking), 18.2-60.4, (violation of protective order) 18.2-67.4 ( sexual battery), 18.2-67.4:1 (infected sexual battery), 18.2-67.4:2 ( sexual abuse of a child under 15 years of age), 18.2-67.5 (attempted rape, forcible sodomy, object sexual penetration, aggravated sexual battery, and sexual battery), 18.2-102 (Unauthorized use of animal, aircraft, vehicle or boat valued less than \$200), 18.2-121 (entering property of another for purpose of damaging it), 18.2-130 (peeping), 18.2-370.6 (penetration of mouth of child with lascivious intent), 18.2-387 (indecent exposure), 18.2-387.1 (obscene sexual display), or 18.2-479.1 (resisting arrest).

The bill also increases the fee collected for the withdrawal of the DNA sample, which is added to court costs when a defendant is convicted. The bill increases the fee to \$53, with \$15 to be paid to the locality where the sample was taken, and \$38 to be paid into the general fund of the State Treasury.

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 on or after July 1, 2015. In addition to technical amendment, the bill provides that the provisions of this act shall not become effective unless an appropriation effectuating the purposes of this act is included in a general appropriation act passed in 2015 by the General Assembly that becomes law.

**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	\$101,200	0	GF
2017	\$101,200	0	GF

2018	\$101,200	0	GF
2018	\$101,200	0	GF
2020	\$101,200	0	GF
2021	\$101,200	0	GF

**7b. Revenue Impact:**

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Fund</i>
2015	\$0	General Fund (GF)
2016	\$168,950	GF
2017	\$168,950	GF
2018	\$168,950	GF
2019	\$168,950	GF
2020	\$168,950	GF
2021	\$168,950	GF

- 8. Fiscal Implications:** According to the Department of Forensic Science (Department), it will incur costs to perform DNA analysis on bodily fluid and tissue samples. In estimating its fiscal impact, the Department has assumed that it will receive approximately 3,265 additional DNA samples annually as a result of this bill. This figure was calculated using data provided by the Virginia Criminal Sentencing Commission and analyzed by the Virginia State Crime Commission.

Based on 3,265 anticipated additional samples to process, the annual increased supplies costs would be \$101,200, as the collection kits and chemistries cost approximately \$31 for each DNA sample submitted. The Department needs additional general fund resources to process these additional samples as it cannot absorb the laboratory supply costs from the increased workload within existing resources. Furthermore, the Department will continue to provide Buccal DNA collection kits to state and local law enforcement at no cost.

The Department also estimates that it currently can absorb personnel cost associated with processing additional DNA samples, as long as the annual volume of such additional DNA samples received does not exceed 11,300 annually. In case the Department has to process more than 11,300 samples annually, additional analyst(s) at a cost of the \$69,000 per analyst annually will be needed in the Department's DNA Data Bank Section to process the DNA samples in a timely manner. The annual cost estimate above reflects the supplies cost only, it does not reflect any associated personnel costs that the Department would need if the volume of additional DNA tests exceeds the threshold of 11,300 samples.

Since the bill also increases the fee to \$53 collected for the withdrawal of the DNA sample, out of which \$38 being paid into the general fund of the state treasury, an impact is anticipated on the Commonwealth's revenue. It is estimated that additional \$168,950 annually will be brought to the general fund as a result of this proposal.

The calculation took into account both the increased fee for offenses that currently require a DNA sample upon conviction or arrest, and for new misdemeanors that will require a DNA sample submission upon conviction under this bill. Consistent with the expenditure calculation, the revenue calculation assumed there would be 3,265 additional cases requiring a DNA sample to be collected. Further, in calculating the revenue impact to the Commonwealth's general fund, collection rates by Circuit Courts and District Courts of 27%

and 59% respectively (based on Auditor of Public Accounts review of Commonwealth Court Collections issued April 2013) were applied to the estimate of fees to be charged.

No fiscal impact is anticipated as a result of this bill 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:** No.

**11. Other Comments:** None.

**Date:** 2/6/2015-SB1187S1.docx (LJ)