

Department of Planning and Budget 2018 Fiscal Impact Statement

1. Bill Number: SB565E

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

2. Patron: Obenshain

3. Committee: Senate Courts of Justice

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

5. Summary: Requires the collection of DNA from individuals convicted of misdemeanor assault and battery, assault and battery against a family or household member, petit larceny, concealment of merchandise or altering price tags, trespass, destruction of property, and obstruction of justice. Current law requires the collection of blood, saliva, or tissue for DNA analysis from anyone convicted of a felony, any incarcerated person, and those convicted of certain misdemeanor offenses. The engrossed version of this bill states that it is not effective unless an appropriation effectuating the purposes of the act is included in a general appropriation act passed by the 2018 General Assembly and becomes law.

6. Budget Amendment Necessary: Yes. Item 407.

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>
2019	\$664,059	2	General Fund
2020	\$664,059	2	General Fund
2021	\$664,059	2	General Fund
2022	\$664,059	2	General Fund
2023	\$664,059	2	General Fund
2024	\$664,059	2	General Fund
2025	\$664,059	2	General Fund

7b. Revenue Impact:

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Fund</i>
2019	\$367,441	General Fund
2020	\$367,441	General Fund
2021	\$367,441	General Fund
2022	\$367,441	General Fund
2023	\$367,441	General Fund
2024	\$367,441	General Fund
2025	\$367,441	General Fund

- 8. Fiscal Implications:** According to data received from the Virginia Criminal Sentencing Commission, the Department of Forensic Science (DFS) estimates there would be 16,389 additional samples to process annually as a result of the proposed legislation. It costs DFS \$31.00 in materials and supplies for each DNA sample submitted for analysis. The agency also estimates that they will need two additional technicians to process this many additional samples. The annual salary and benefits costs for these positions is estimated to be \$78,000. The total estimated cost to DFS as a result of this provision is approximately \$664,059 (supplies/materials and personnel costs).

Additionally, a \$53 fee is charged to each person convicted of a crime requiring a DNA sample, out of which \$38 of this amount is paid into the general fund of the State Treasury, and \$15 is to be paid to the locality where the sample was taken. Based on the Auditor of Public Accounts review of Commonwealth Court Collections issued in April 2013, the collection rate in the District Courts is 59 percent. Assuming that the number of convictions and collection rates stay the same, the provisions of this legislation would result in approximately \$367,441 annually in additional revenue deposited into the general fund.

- 9. Specific Agency or Political Subdivisions Affected:** Department of Forensic Science, Courts, and law enforcement agencies.

- 10. Technical Amendment Necessary:** No.

- 11. Other Comments:** None.