

Department of Planning and Budget 2011 Fiscal Impact Statement

1. Bill Number: HB2065

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 samples taken at arrest and upon conviction

5. Summary: This bill expands the scope of DNA (deoxyribonucleic acid) collection to provide that every person *convicted* of a violation of (i) § 18.2-67.4 (sexual battery) where the perpetrator is an adult and the victim is a minor, (ii) § 18.2-67.4:2 (sexual abuse of a child under 15), (iii) subsection C of § 18.2-67.5 (attempt to commit sexual battery) where the perpetrator is an adult and the victim is a minor, or (iv) § 18.2-370.6 (penetrating the mouth of a child under 13 with the tongue) shall have a sample of his blood, saliva, or tissue taken for DNA analysis. The bill also provides that every person *arrested* for the commission or attempted commission of § 18.2-67.4:2 (sexual abuse of a child under 15), § 18.2-370 (taking indecent liberties with a minor), § 18.2-370.1 (indecent liberties with a minor), or § 18.2-370.6 (penetrating the mouth of a child under 13 with the tongue) or a violation of § 18.2-67.4 (sexual battery) where the perpetrator is an adult and the victim is a minor or subsection C of § 18.2-67.5 (attempt to commit sexual battery) where the perpetrator is an adult and the victim is a minor shall have a sample of his saliva or tissue taken for DNA analysis. The bill also provides that the Department of Forensic Science may include the identification characteristics of an individual's DNA profile in the DNA data bank when ordered by a circuit court pursuant to a lawful plea agreement.

6. Budget Amendment Necessary: No.

7. Fiscal Impact Estimates: Preliminary. See Item #8.

7a. Expenditure Impact:

| <i>Fiscal Year</i> | <i>Dollars</i> | <i>Positions</i> | <i>Fund</i> |
|--------------------|----------------|------------------|--------------|
| 2011 | - | - | - |
| 2012 | \$25,000 | - | General Fund |
| 2013 | \$25,000 | - | General Fund |
| 2014 | \$25,000 | - | General Fund |
| 2015 | \$25,000 | - | General Fund |
| 2016 | \$25,000 | - | General Fund |
| 2017 | \$25,000 | - | General Fund |

- 8. Fiscal Implications:** Based on information obtained from the Department of Criminal Justice Services, it is estimated that approximately 625 additional samples will be collected annually as a result of the legislation. The cost of the collection kit, supplies for processing the sample, and staff time are approximately \$40 per sample. This will result in additional costs of approximately \$25,000 annually which can be absorbed within existing resources.
- 9. Specific Agency or Political Subdivisions Affected:** Department of Forensic Science, state and local police departments, and sheriffs' offices.
- 10. Technical Amendment Necessary:** No.
- 11. Other Comments:** This bill was inspired by legislation pending in the last Congress to enable states to qualify for additional grant funding if their state law included "enhanced DNA collection" provisions (Katie Sepich Enhanced DNA Collection Act of 2010). There is no way to know if the current Congress will pass this legislation. However, if Congress passes the original grant funding measure, it could more than compensate for the additional cost to the Commonwealth.

Date: 1/20/11

Document: G:\10-12\2011\FIS\HB2065.Doc Janet Vogelgesang

Cc: Secretary of Public Safety