

Department of Planning and Budget

2015 Fiscal Impact Statement

1. Bill Number: SB1187

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

2. Patron: Obenshain

3. Committee: Courts of Justice

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

5. Summary: This bill adds misdemeanor violations of § 16.1-253.2 (violation of protective orders), 18.2-19 (accessory after the fact), 18.2-60.3 (stalking), 18.2-67.4:1 (infected sexual battery), 18.2-119 (trespass), 18.2-346 (solicitation of prostitution), 18.2-371 (contributing to the delinquency of a minor), 18.2-387 (indecent exposure), or 18.2-387.1 (obscene sexual display) 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. The bill also requires such sample be taken from every juvenile convicted of or adjudicated delinquent of a misdemeanor violation of § 16.2-253.2, 18.2-19, 18.2-60.3, 18.2-67.4 (sexual battery), 18.2-67.4:1, 18.2-67.5 (attempt to commit sexual battery), 18.2-119, 18.2-130 (peeping), 18.2-346, 18.2-387, or 18.2-387.1. 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: (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	\$232,500	0	GF
2017	\$232,500	0	GF
2018	\$232,500	0	GF
2018	\$232,500	0	GF
2020	\$232,500	0	GF
2021	\$232,500	0	GF

7b. Revenue Impact:

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Fund</i>
2015	0	General Fund (GF)
2016	\$93,750	GF
2017	\$93,750	GF
2018	\$93,750	GF
2019	\$93,750	GF
2020	\$93,750	GF
2021	\$93,750	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 5,000 and 10,000 additional DNA samples annually as a result of this bill. This figure was estimated using available data from 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 laboratory supply costs from the increased workload within existing resources. 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 \$155,000 to \$350,300. The annual cost estimate of \$232,500 above reflects the midpoint of anticipated supply costs. Additionally, the Department provides Buccal DNA collection kits to state and local law enforcement at no cost.

The annual cost estimate above does not reflect additional analyst positions and associated personnel cost required as that would depend on the actual workload increase at the Department, which is not known at present time. If the volume of DNA samples exceeds the above threshold, additional analyst(s) compensated at \$69,000 annually will be needed in the Department's DNA Data Bank Section in order to process the additional DNA samples in a timely manner.

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 \$93,750 to the Commonwealth's General fund is anticipated from this fee (\$12.50 multiplied by an estimated 7,500 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: No.

11. Other Comments: None.