

Department of Planning and Budget 2018 Fiscal Impact Statement

1. **Bill Number:** HB1249E

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

2. **Patron:** Toscano

3. **Committee:** House Courts of Justice

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

5. **Summary:** Requires DNA analysis of individuals convicted of misdemeanor assault and battery, assault and battery against a family or household member, and trespass. 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.

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	\$231,973	0	General Fund
2020	\$231,973	0	General Fund
2021	\$231,973	0	General Fund
2022	\$231,973	0	General Fund
2023	\$231,973	0	General Fund
2024	\$231,973	0	General Fund
2025	\$231,973	0	General Fund

7b. Revenue Impact:

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Fund</i>
2019	\$167,769	General Fund
2020	\$167,769	General Fund
2021	\$167,769	General Fund
2022	\$167,769	General Fund
2023	\$167,769	General Fund
2024	\$167,769	General Fund
2025	\$167,769	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 7,483 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 indicates that it can absorb this increase in caseload with existing staff. The total estimated

cost to DFS for materials and supplies as a result of this provision is approximately \$231,973.

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 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 \$167,769 annually in additional revenue deposited into the general fund.

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

10. Technical Amendment Necessary: No.

11. Other Comments: None