

Department of Planning and Budget 2020 Fiscal Impact Statement

1. Bill Number: HB711

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

2. Patron: Rush

3. Committee: Courts of Justice

4. Title: DNA sample after arrest; certain misdemeanors.

5. Summary: Adds a violation or attempt to commit a violation of § 18.2-387 (indecent exposure) or § 18.2-387.1 (obscene sexual display) to the list of crimes for which a DNA sample must be taken upon arrest. If the charge for which the sample was taken is dismissed or the defendant is acquitted at trial, the Department of Forensic Science shall destroy the sample and all records thereof, provided there is no other pending qualifying warrant or capias for an arrest or felony conviction that would otherwise require the sample to remain in the DNA data bank.

6. Budget Amendment Necessary: Yes. Item 418.

7. Fiscal Impact Estimates: Preliminary. See below.

7a. Expenditure Impact:

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Positions</i>	<i>Fund</i>
2020	\$0	0	
2021	\$8,250	0	General
2022	\$8,250	0	General
2023	\$8,250	0	General
2024	\$8,250	0	General
2025	\$8,250	0	General
2026	\$8,250	0	General

8. Fiscal Implications: The proposed legislation would require individuals arrested for violations or attempted violations of § 18.2-387 (indecent exposure) or § 18.2-387.1 (obscene sexual display) to submit DNA samples upon arrest. According to the Department of State Police (VSP), there is no anticipated fiscal impact on the agency's operations as a result of the provisions of this bill.

The Department of Forensic Science (DFS) provides DNA collection kits to law enforcement agencies. DFS estimates the provisions of this legislation would result in an additional 250 DNA samples being collected, at a cost of \$33 per kit. The total estimated fiscal impact on DFS is \$8,250 per year.

9. Specific Agency or Political Subdivisions Affected: Department of Forensic Science,
Department of State Police.

10. Technical Amendment Necessary: Yes. The enactment clause for this bill reads that the bill's provisions shall only apply to persons convicted on or after July 1, 2020. It is not clear if the intent of the bill is to apply to persons "arrested on or after July 1, 2020." Currently, under § 19.2-310.2, persons convicted of violations of § 18.2-387 or §18.2-387.1 are already required to submit DNA samples upon conviction. The proposed legislation would require DNA samples to be submitted upon arrest for individuals charged under those Code sections.

11. Other Comments: No.