

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301
Indianapolis, IN 46204
(317) 233-0696
<http://www.in.gov/legislative>

FISCAL IMPACT STATEMENT

LS 7611

BILL NUMBER: HB 1241

NOTE PREPARED: Mar 18, 2005

BILL AMENDED: Mar 17, 2005

SUBJECT: DNA Samples from Felons.

FIRST AUTHOR: Rep. Harris T

FIRST SPONSOR: Sen. Zakas

BILL STATUS: CR Adopted - 2nd House

**FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL**

IMPACT: State & Local

Summary of Legislation: (Amended) This bill has the following provisions:

- A. It requires a person convicted of: (1) a felony; (2) conspiracy to commit a felony; or (3) attempt to commit a felony; to provide a DNA sample to the Department of Correction or a sheriff.
- B. It establishes the DNA Sample Processing Fund for the purpose the collection, shipment, analysis, and preservation of DNA samples and the conduct of a DNA database program.
- C. It imposes a DNA sample processing fee of \$1 to be collected in certain criminal, infraction, and ordinance violation actions. It provides for a distribution of money to the DNA Sample Processing Fund.
- D. It provides for a distribution of money to the DNA Sample Processing Fund.
- E. It provides that the mistaken placement of a DNA sample in the database does not invalidate a conviction based on the DNA sample.
- F. The bill also makes technical corrections.

Effective Date: July 1, 2005; January 1, 2006.

Summary of Net State Impact: (Revised) Under current law, appropriations to the State Police are made from the state General Fund in the same amount as appropriations from the Motor Vehicle Highway Account. Consequently, half of the expenditures and revenues associated with this bill are assumed to be shared by the state General Fund and the dedicated funds. Since the two provisions in this bill are to become effective at different points in time, the following table illustrates the potential costs to the state.

Effect on the State General Fund: Half of the added expenditures are assigned to the state General Fund. The

added revenues to the state General Fund were determined by the formula shown in the following table.

Estimated Revenue Generated:	\$689,588	
less: Transfers from State General Fund	- <u>\$663,098</u>	
Net Revenue Remaining in State General Fund		\$26,490
add: Half of DNA Processing Sample Fund		+ <u>\$331,549</u>
Added Revenues for State General Fund		\$358,039

	<u>Effective Date</u>	<u>FY 2006</u>	<u>FY 2007</u>	<u>FY 2008</u>	<u>FY 2009</u>
Added Expenditures	January 1, 2006	\$649,583	\$459,253	\$459,253	\$459,253
Added Revenues	July 1, 2005	\$358,039	\$358,039	\$358,039	\$358,039
Net Effect		(\$291,544)	(\$101,214)	(\$101,214)	(\$101,214)

Effect on Dedicated Fund:

	<u>Effective Date</u>	<u>FY 2006</u>	<u>FY 2007</u>	<u>FY 2008</u>	<u>FY 2009</u>
Added Expenditures	January 1, 2006	\$649,583	\$459,253	\$459,253	\$459,253
Added Revenues	July 1, 2005	\$331,549	\$331,549	\$331,549	\$331,549
Net Effect		(\$318,034)	(\$127,704)	(\$127,704)	(\$127,704)

Explanation of State Expenditures: *Provision A -- Summary:* This bill is estimated to increase the costs to the Indiana State Police by \$1.3 M. in FY 2006 and by \$918,000 in each subsequent fiscal year.

Under current law, offenders who have been convicted for felonies against a person and burglary are required by law to provide DNA material for the Indiana DNA Database. This bill would add the following offenders to this list:

- any adult convicted of committing, attempting, or conspiring to commit a felony, whether or not that person has been committed to a DOC facility, and
- any adult offender convicted of committing, conspiring, or attempting to commit a felony who is currently being held in jail or prison on or after July 1, 2005.

Samples To Be Analyzed: The potential number of new DNA specimens could be as many as 10,900 adult offenders who are already in DOC and not yet typed and 26,240 adult offenders who would enter the system during each year. This estimate does not include felony offenders who are directly committed to a community correction program under IC 35-38-2.6.

The following shows the breakdown by offense:

Offender:	Estimated Offenders Already in System To Be Typed:	Estimated New Offenders Committed Each Year To Be Typed:
All Felons Committed to DOC	21,893 *	16,111 **
less: Felons Committed to DOC for Crimes under IC 35-42	8,625 *	2,719 **
less: Felons Committed to DOC for Burglary	<u>2,392</u> *	<u>1,396</u> **
Felony Offenders Sentenced to Prison and Not Currently Typed	10,876	11,996
Felony Offenders Sentenced to Probation		<u>14,247</u> ***
Total New Samples	<u>10,876</u>	<u>26,243</u>
* Felons in DOC facilities on Dec. 16, 2004 ** Felons Committed to DOC in FY 2004 *** Source: 2003 Indiana Probation Report		

The DNA Identification Process: The general process for typing DNA samples involves the following steps:

1. All DNA samples taken by trained staff are blood samples. Blood samples in three county jails under the current pilot project funded by a federal grant are taken by medical personnel.
2. Samples are personally delivered to the State Police Laboratory by DOC personnel. Once received, the blood is put on several stain cards, dried, numbered, put in envelopes, and logged. The companion sample is then sent to an accredited vendor. All of this work is completed by the analysts.
3. When the accredited vendor returns the sample and the analytical results, the analysts cross-check the sample with instrument readings against the sample held in the lab and enter the results in the DNA database.
4. When the analysts find a match between DNA at a crime scene and a sample in the DNA repository, the analysts take the lab sample and do the typing themselves to ensure the sample is a match. The more samples that are in the system will result in more matches and an increased workload for these analysts.

Estimated Cost: The Indiana State Police indicate that these added specimens would cost \$35 each for a certified commercial laboratory to analyze. The added costs are shown in the following table.

Added Costs For the Indiana State Police For Typing Additional DNA Samples:			
<u>Fiscal Year</u>	<u>2006*</u>	<u>2007</u>	<u>2008</u>
Offenders in System	10,876	0	0
New Offenders	+ <u>26,243</u>	+ <u>26,243</u>	+ <u>26,243</u>
Offenders to be Typed	37,119	26,243	26,243
Cost Per Test	x <u>\$35</u>	x <u>\$35</u>	x <u>\$35</u>
Annual Cost	<u>\$1,299,165</u>	<u>\$918,505</u>	<u>\$918,505</u>

* Bill would take effect on January 1, 2006, midpoint of FY 2006

Explanation of State Revenues: *Provision B -- Creation of New Fee* The DNA Processing Fee of \$1 would be imposed on all felonies, misdemeanors, infractions, ordinance violations, and persons required to pay a pretrial diversion fee. These fees are estimated to generate almost \$690,000 per year. Proceeds from this fee would be deposited into the state general fund.

Estimated Revenues Generated From a \$1 DNA Sample Fee			
	<u>Trial Courts</u>	<u>City and Town Courts</u>	<u>Total</u>
Felonies and Misdemeanors	\$47,458	\$21,797	\$69,255
Paying Pretrial Diversion Fee	\$12,889	\$3,291	\$16,180
Infractions	\$390,275	\$133,489	\$523,764
Ordinance Violations	\$53,250	\$12,866	\$66,116
Juvenile Cases	<u>\$14,273</u>	<u>\$0</u>	<u>\$14,273</u>
Totals	<u>\$518,145</u>	<u>\$171,443</u>	<u>\$689,588</u>

Provision C -- Semiannual Transfer from State General Fund: Twice a year, \$6,704,257 is transferred from the state General Fund and deposited into a series of court- and criminal justice-related programs. A new fund would be established for funding DNA sample analysis. The following table demonstrates how the amounts deposited would be changed.

Semi-Annual Revenue Transfer Under IC 33-37-7-9					
Fund Type	Current Law		Proposed Change		Added Revenue
	Pct.	Amount Rec'd	Pct.	Amount Rec'd	
Family Violence & Victim Assistance	11.08%	\$ 742,831.68	10.56%	\$743,345.54	\$513.86
In Judges' Retirement	25.21%	\$1,690,143.19	24.02%	\$1,690,829.53	\$686.34
Law Enforcement Academy Building	3.52%	\$ 235,989.85	3.36%	\$236,519.04	\$529.19
Law Enforcement Training	14.19%	\$ 951,334.07	13.52%	\$951,707.55	\$373.48
Violent Crime Victims Compensation	16.50%	\$1,106,202.41	15.72%	\$1,106,571.20	\$368.79
Motor Vehicle Highway Account	26.95%	\$1,806,797.26	25.67%	\$1,806,977.27	\$180.01
Fish and Wildlife	0.32%	\$21,453.62	0.31%	\$21,821.70	\$368.08
In Jud. Center Drug & Alc Programs	2.23%	\$149,504.93	2.13%	\$149,936.17	\$431.24
DNA Sample Processing			4.71%	\$331,549.01	\$331,549.01
Total	100.00%	\$6,704,257.01	100.00%	\$7,039,257.01	\$335,000.00

The revenue deposited in the DNA Sample Processing Fund would be the amount available for funding the DNA processing at the Department of Correction.

Explanation of Local Expenditures: Probation departments would incur added expenses to secure blood samples from offenders on probation. These added costs could require the use of county health department staff or other phlebotomists.

Explanation of Local Revenues:

State Agencies Affected: Indiana State Police; Department of Correction.

Local Agencies Affected: Counties.

Information Sources: Department of Correction; Steve Hillman, Indiana State Police.

Fiscal Analyst: Mark Goodpaster, 317-232-9852.