

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 7611

BILL NUMBER: HB 1241

NOTE PREPARED: Apr 14, 2005

BILL AMENDED: Mar 31, 2005

SUBJECT: DNA Samples from Felons.

FIRST AUTHOR: Rep. Harris T

FIRST SPONSOR: Sen. Zakas

BILL STATUS: Enrolled

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: State & Local

Summary of Legislation: 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 permits the Department of Correction to perform DNA analysis on a sample at any time, and requires the Department of Correction to perform DNA analysis on a sample when federal funds for testing become available.
- C. It provides that the mistaken placement of a DNA sample in the database does not invalidate a conviction based on the DNA sample.

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

Explanation of State Expenditures: *Summary:* The Superintendent of the Indiana State Police would have the discretion to test as many or as few of the DNA samples as the budget of the State Police would allow. If the State Police analyzed all of the new DNA samples that this bill adds, the added costs to the Indiana State Police would be \$1.3 M in FY 2006 and \$918,000 in each subsequent fiscal year. If more money becomes available from federal grants, then the State Police would be required to analyze all samples when federal monies are available. There are reportedly \$18 M available in federal monies from H.R. 5107 Justice for All Act of 2004 for the backlogs of all 50 states.

Background on DNA Sampling: 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:

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.

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