

FISCAL NOTE

Requested by Legislative Council

03/30/2005

Amendment to: Engrossed
HB 1235

1A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2003-2005 Biennium		2005-2007 Biennium		2007-2009 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$0	\$0	\$0	\$0
Expenditures	\$0	\$0	\$133,679	\$0	\$140,363	\$0
Appropriations	\$0	\$0	\$133,679	\$0	\$140,363	\$0

1B. **County, city, and school district fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

2003-2005 Biennium			2005-2007 Biennium			2007-2009 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

2. **Narrative:** *Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.*

This bill allows the court to require individuals convicted of a felony offense to provide a DNA sample. The bill could result in an estimated additional 2,600 DNA samples for the biennium. Currently, the laboratory collects approximately 200 – 300 convicted offender samples per year.

The bill allows the Crime Lab collect the DNA samples, which may be preserved by the Crime Lab for subsequent analysis upon receipt of sufficient funding.

This fiscal note reflects the estimated cost of DNA testing for all felons, therefore no change is needed.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

The sentencing court has the authority to assess the cost of the procedure against the person being tested. The department of corrections and rehabilitation has the authority to collect the cost of the procedure from the person being tested and transfer the amount collected to the attorney general for deposit in the general fund (31-13-03).

These costs have never been enforced due to the difficulty of collecting fees from offenders.

B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

The \$133,679 in general fund expenditures includes 1 full-time administrative assistant, a .3 FTE forensic scientist to collect and analyze DNA samples, and related expenses. Currently, the laboratory collects approximately 200 – 300 convicted offender samples per year.

Assuming federal funds are available, which is a fairly good possibility, the samples need to be processed in order to receive the federal funds. Although federal funds have paid for operating costs in the past, federal funds have not paid for FTE's. In this case it is anticipated federal funds would pay for outsourcing the DNA samples and for on-site inspection, an anticipated cost of \$91,400 for the 2005-07 biennium. The 1.3 FTE's are needed to send out DNA kits, log and track the DNA samples, and perform the required analysis of DNA samples.

In order for samples to qualify for the National DNA Database, samples must be processed following the Quality Assurance Standards issued by the FBI. A qualified DNA analyst will be needed to evaluate raw data, conduct case review, and perform DNA testing on quality assurance samples. A qualified DNA analyst must attend training annually and complete two proficiency tests a year to maintain certification.

A full-time administrative assistant will be needed to coordinate mailing additional buccal swab collection kits to law enforcement agencies to expedite the overall collection process. Once the samples are collected, the administrative assistant will log in samples, verify sample integrity, and prepare buccal samples for DNA testing. The administrative assistant will also track the DNA samples processed by a private laboratory and streamline documentation in the DNA Unit.

C. Appropriations: *Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.*

The resources needed to carry out the mandates of this legislation were not included in the Executive Recommendation. The Office of Attorney General's appropriation will need increased general fund monies of \$133,679 to adequately perform the mandate of this bill.

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