

FISCAL NOTE

Requested by Legislative Council
01/27/2005

Amendment to: HB 1061

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	\$25,320	\$0	\$3,525	\$0
Appropriations	\$0	\$0	\$25,320	\$0	\$3,525	\$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 requires individuals required to register for sexual offenses that have not previously provided a DNA sample under NDCC Section 31-13-03, to provide a DNA sample. The cost required for collection and analysis of additional DNA samples is not currently budgeted in the Office of Attorney General's budget. The bill will require an estimated additional 942 individuals to be sampled for the biennium. An initial catch-up of the additional individuals (adjudicated juveniles, individuals registered but not required to provide a sample, federal offenders, and out-of-state offenders) required to provide a DNA sample will cause an immediate impact on the workload, but the projected workload of approximately 70 people will be manageable on an annual basis.

A full-time temporary administrative assistant will be needed for one month to coordinate mailing additional buccal swab collection kits to law enforcement agencies to expedite the collection process. Once the samples are collected, the administrative assistant will organize, verify integrity, and prepare buccal samples for DNA testing. Reagents and consumables (supplies) are needed to adequately perform DNA testing in accordance with the FBI's Quality Assurance Standards.

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 (NDCC Section 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 \$25,320 general fund fiscal impact includes a full-time temporary administrative assistant for one month to coordinate mailing additional buccal swab collection kits to law enforcement agencies to expedite the collection process. Once the samples are collected, the administrative assistant will organize, verify sample integrity, and prepare buccal samples for DNA testing. Reagents and consumables (supplies) are needed to adequately perform DNA testing in accordance with the FBI's Quality Assurance Standards.

The change in the fiscal note is due to inadvertently excluding the affected persons not currently on the register.

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 budget. The Office of Attorney General's appropriation will need increased general fund monies to adequately perform the mandate of this bill.

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