

Fiscal Estimate - 2009 Session

Original
 Updated
 Corrected
 Supplemental

LRB Number 09-4556/1	Introduction Number AB-0893
Description Submission of biological specimens for deoxyribonucleic acid analysis	
Fiscal Effect	
State:	
<input type="checkbox"/> No State Fiscal Effect <input checked="" type="checkbox"/> Indeterminate	
<input type="checkbox"/> Increase Existing Appropriations <input type="checkbox"/> Decrease Existing Appropriations <input type="checkbox"/> Create New Appropriations	<input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Decrease Costs
Local:	
<input type="checkbox"/> No Local Government Costs <input checked="" type="checkbox"/> Indeterminate	
1. <input type="checkbox"/> Increase Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 2. <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	3. <input type="checkbox"/> Increase Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 4. <input type="checkbox"/> Decrease Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory
5. Types of Local Government Units Affected <input type="checkbox"/> Towns <input type="checkbox"/> Village <input type="checkbox"/> Cities <input type="checkbox"/> Counties <input type="checkbox"/> Others <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts	
Fund Sources Affected	
<input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS	
Affected Ch. 20 Appropriations	
Agency/Prepared By	Authorized Signature
DOJ/ Mark Rinehart (608) 264-9463	Mark Rinehart (608) 264-9463
	Date
	3/25/2010

Fiscal Estimate Narratives
DOJ 3/25/2010

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Description Submission of biological specimens for deoxyribonucleic acid analysis					

Assumptions Used in Arriving at Fiscal Estimate

Currently, under s. 51, s. 165, s. 938, s. 971, and s. 973 certain offenders are required, or shall be ordered by the court, to provide a biological specimen to the state crime laboratories for deoxyribonucleic acid analysis and data maintenance of the DNA databank under s. 165.77. In September of last year, DOJ compared criminal history records to the DNA databank and determined that several thousand offenders obligated to provide a specimen have not provided a specimen.

The crime labs receive specimens collected from offenders by the Department of Corrections and sheriffs' offices. Since DOJ's audit last fall, based on efforts made under current law, the department has received approximately 8,500 more specimens from DOC and sheriffs' offices than would typically be received over an equivalent time period. However, while DOC and sheriffs have been able to collect specimens from many offenders identified as having an obligation to provide a specimen, but who had not yet provided a specimen, the extent of the state's authority to compel many other offenders to provide a specimen is limited.

To address these limitations, 2009 Assembly Bill 893 specifies that the current misdemeanor conviction for failure to provide a specimen includes the requirement to provide a specimen. In addition, AB 893 creates a non-criminal process to obtain a court order to compel an offender no longer in custody to provide a specimen.

It is likely that the enactment of AB 893 will result in the collection of additional specimens due to these provisions. The department understands from the Department of Corrections that there are several thousand additional persons who are required by law to provide a sample, but have not done so. However, it is not possible to know how many more specimens will be collected with or without the passage of AB 893. This will depend largely on the frequency of criminal proceedings and special proceedings brought by district attorneys under this chapter, which in turn will depend on an exercise of district attorneys' prosecutorial discretion and the current residency of these persons.

DOJ's cost for each specimen are as follows:

Biological specimens are placed in collection kits and mailed to DOJ. The department covers the cost of the collection kits (\$1.14/kit) and the postage (\$.80/kit) each way between sheriff offices. DOJ also currently reimburses sheriffs \$20 for their work each time they obtain a sample. DOJ contracts with a private vendor to do the DNA analysis of offender samples. The private vendor currently charges DOJ \$33.50 for each sample analyzed.

Long-Range Fiscal Implications