

Department of Legislative Services  
 Maryland General Assembly  
 1999 Session

FISCAL NOTE

Revised

House Bill 1129 (Chairman, Judiciary Committee)  
 (Departmental - State Police)

Judiciary

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State Police - DNA Testing

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This departmental bill expands the list of convicted persons who must provide the State Police with a DNA sample.

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Fiscal Summary

**State Effect:** General fund expenditures would increase by \$427,600 in FY 2000, of which \$378,700 is included in the proposed FY 2000 budget and contingent upon enactment of this bill. All out-year expenditures reflect ongoing operating expenses and inflation. General fund revenues would not be affected.

(in dollars)	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004
GF Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditures	427,600	465,000	833,300	804,000	425,200
Net Effect	(\$427,600)	(\$465,000)	(\$833,300)	(\$804,000)	(\$425,200)

*Note: ( ) = decrease; GF = general funds; FF = federal funds; SF = special funds; - =indeterminate effect*

**Local Effect:** Minimal. It is assumed that DNA sample collections by the State Police can be accommodated with minimal additional resources of local detention facilities.

**Small Business Effect:** The Department of State Police has determined that this bill has minimal or no impact on small business (attached). Legislative Services disagrees with this assessment as discussed below. (The attached assessment does not reflect amendments to the bill.)

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## **Fiscal Analysis**

**Bill Summary:** This bill expands the list of convicted persons who must provide the State Police with a DNA sample by (1) expanding the list of “qualifying crimes of violence” beyond the current law sexual offenses to include murder, robbery or robbery with a deadly weapon, first degree assault, or attempts to commit any qualifying crime; and (2) making this requirement applicable to all persons convicted of a qualifying crime prior to October 1, 1999. Such DNA samples are entered into the Federal Bureau of Investigation’s Combined DNA Index System (CODIS).

Under current law, DNA samples must be collected upon intake to any prison or detention facility. The bill eliminates the need for a court order to collect samples from convicted persons not sentenced to imprisonment. The bill includes convicted persons given probation under the requirements to provide a DNA sample. The bill requires samples to be submitted to the Department of State Police rather than the Department of Public Safety and Correctional Services (DPSCS).

The bill also provides for second DNA samples to be taken from individuals upon a court order for good cause. If a person is not sentenced to a term of imprisonment, failure to provide a DNA sample within 90 days of notice by the Director of the Crime Laboratory Division of the Department of State Police must be considered a violation of probation.

**State Expenditures:** The fiscal 2000 budget allowance to the State Police for its State Crime Laboratory is \$378,715, including three new positions which is contingent on the enactment of this bill.

General fund expenditures would increase by an estimated \$378,715 in fiscal 2000, which accounts for the bill’s October 1, 1999 effective date. This estimate reflects the cost of hiring two lab technicians and one forensic chemist to collect and store DNA samples on an ongoing basis. It includes salaries, fringe benefits, one-time start-up costs, and ongoing operating expenses including the out-sourcing of laboratory tests. The information and assumptions used in calculating the estimate are stated below:

- The current standing population at Division of Correction (DOC) facilities convicted of the qualifying offenses is approximately 8,500 persons;
- Annual DOC intake for these offenses is estimated at 2,500 and annual releases of persons convicted of these offenses is estimated at 2,500; and
- An additional 400 persons are anticipated to be subject to probation annually, and

300 persons are expected to be incarcerated at local detention facilities statewide annually.

Salaries and Fringe Benefits	\$108,479
Out-sourced Lab Tests	192,000
Operating Expenses (incl. medical supplies)	<u>78,236</u>
<b>Total FY 2000 State Expenditures</b>	<b>\$378,715</b>

Future year expenditures reflect (1) full salaries with 3.5% annual increases and 3% employee turnover; (2) 1% annual increases in ongoing operating expenses; (3) completing the collection of samples from the DOC standing population (8,500) in fiscal 2001 and 2002; and (4) ongoing payments for out-sourcing laboratory tests.

These contractual expenses for out-sourcing laboratory tests are as follows: \$192,000 in fiscal 2000; \$256,000 in fiscal 2001; \$596,000 in fiscal 2002; \$596,000 in fiscal 2003; and \$256,000 in fiscal 2004. The significant increases in these costs in the third and fourth year are subsequent to the increased sample collections from the 8,500 inmates (standing population) in the second and third year.

In addition, general fund expenditures for DPSCS could increase by an estimated \$48,939 in fiscal 2000, which accounts for the bill's October 1, 1999 effective date. This estimate reflects the cost of hiring one contractual correctional officer and one clerk typist to coordinate and track DNA sample collections for DOC. It includes salaries, fringe benefits, one-time start-up costs, and ongoing operating expenses through fiscal 2002, when it is anticipated that samples will have been collected from DOC's entire standing population. DOC anticipates sample collections from inmate releases to boost the pace of collections from the standing population.

After the third year of operation it is assumed that samples would have to be collected from the intake population only, and could be accommodated as a part of routine operations at DOC's two intake centers. Expenditures for fiscal 2001 and 2002 reflect 1% annual increases in ongoing operating expenses including contractual salaries.

Although it is the responsibility of the State Police rather than DPSCS to collect these DNA samples, it is also assumed that some additional overtime would be necessary for existing DOC staff in order to accommodate the movement of prisoners to and from testing locations in the prisons. However, it is also assumed that DOC could accommodate those needs within existing overtime allotments. While DOC believes that these additional overtime costs could

range from \$88,900 to \$351,600 annually, DOC estimates are predicated upon unrealistic movement of prisoners for sample collections (one at a time) and insufficient allowances for the number of inmates who would provide samples as a part of their release procedures. In fiscal 2000, the DOC budget allowance for overtime is \$18.9 million.

**Small Business Effect:** To the extent the laboratories that perform DNA tests for the State Police are small businesses, this bill provides some additional meaningful business opportunities. The amount of this potential business is projected as follows: \$192,000 in fiscal 2000; \$256,000 in fiscal 2001; \$596,000 in fiscal 2002; \$596,000 in fiscal 2003; and \$256,000 in fiscal 2004.

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**Information Source(s):** Department of State Police, Department of Public Safety and Correctional Services, Department of Legislative Services

**Fiscal Note History:** First Reader - March 22, 1999

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Revised - House Third Reader - April 2, 1999

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