

Department of Legislative Services
Maryland General Assembly
2003 Session

FISCAL AND POLICY NOTE

House Bill 934

(Chairman, Judiciary Committee)

(By Request – Departmental – State Police)

Judiciary

DNA Testing - Felony Convictions

This departmental bill requires the collection of DNA samples from a person who is convicted of a felony or fourth degree burglary or breaking and entering a motor vehicle, and identifies where the samples must be collected. The bill applies the DNA sample collection provisions to persons convicted of such crimes on or before October 1, 2003, rather than October 1, 1999.

The bill requires the Directory of the State Police Crime Laboratory to provide for liaison with the FBI and other criminal justice agencies relating to the State's participation in DNA databases. The bill provides that a finding that obtaining or including a mistaken DNA record or profile in the statewide database does not invalidate the information, the database match, or the detention, arrest, or conviction of a person based on a match.

The bill also eliminates the termination date for the DNA Technology Fund and the other provisions of Chapter 465 of 2002.

Fiscal Summary

State Effect: Special fund revenues and expenditures associated with the DNA Technology Fund would continue beyond FY 2003. Any costs associated with the collection, analysis, and DNA database entry would be handled with the existing budgeted resources of the Department of State Police.

Local Effect: Potential revenue increase for local law enforcement agencies that are awarded grants from the DNA Technology Fund would continue. Local expenditures would increase accordingly for DNA-related equipment purchases.

Small Business Effect: The Department of State Police has determined that this bill has minimal or no impact on small business (attached). Legislative Services concurs with this assessment.

Analysis

Current Law: Chapter 465 of 2002 established a DNA Technology Fund to provide grants to local and State law enforcement agencies to assist them in acquiring DNA technology equipment. The legislation also: (1) expanded the list of persons required to submit a DNA sample to the State's DNA repository from persons convicted of specified "qualifying crimes of violence" to any person convicted of a felony, fourth degree burglary, or breaking and entering motor vehicle crime; and (2) provided for the preservation of scientific identification evidence containing DNA material collected in certain homicide and serious sexual offense cases for the length of the sentence, including consecutive sentences imposed in connection with the offense, instead of the then current three-year preservation requirement.

However, all the provisions of Chapter 465 were contingent on the Department of State Police receiving a binding written award of a private or federal grant of at least \$1,500,000 by September 1, 2002 to implement the bill's provisions from October 1, 2002 through September 30, 2003. All of the provisions of Chapter 465 are slated for termination after September 30, 2003.

Background: The Department of State Police has received a binding written award of a grant from the U.S. Department of Justice for \$5,048,669 for the "No Suspect Casework DNA Backlog Reduction Program," which is dedicated to DNA testing of evidence in "cold cases" involving homicide and/or sexual assault. Only \$325,400 of the grant is expected to be used for the purchase of DNA testing equipment.

However, the Office of the Attorney General believes that the intent of the General Assembly in passing Chapter 465 must be viewed as being aimed at "purposes significantly broader than the acquisition of DNA technology equipment." Accordingly, the award of the aforementioned grant to the State Police has been accepted as meeting the contingency requirement of the enactment.

As of January 15, 2003, the total number of DNA samples available in the department's DNA database totals approximately 13,500. Since 1994, information contained in the database has resulted in 44 positive matches between crime evidence and the database. In fiscal 2004 the DNA database section of the State Police crime lab will employ four technicians and supervisors.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts), Department of State Police, Department of Legislative Services

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ncs/jr

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