

Department of Legislative Services
Maryland General Assembly
2003 Session

FISCAL AND POLICY NOTE

House Bill 326

(Delegate Doory)

(By Request Baltimore City Administration)

Judiciary

DNA Testing and Technology Fund - Extension

This bill extends, from September 30, 2003 until September 30, 2006, the termination date for the DNA Technology Fund and the other provisions of Chapter 465 of 2002. The bill eliminates the contingency language attached to Chapter 465.

Fiscal Summary

State Effect: Special fund revenues and expenditures for this fund would be maintained beyond September 30, 2003 and terminate, without further legislative action, after September 30, 2006.

Local Effect: None.

Small Business Effect: None.

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 fund is administered by the Governor's Office of Crime Control and Prevention, which must report annually by September 1 to the Governor and the General Assembly as to the distribution of aid from the fund.

These provisions 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 current three-year preservation requirement.

Enactment was 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.

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 employs four technicians and supervisors.

Additional Information

Prior Introductions: None.

Cross File: SB 343 (Senator McFadden) – Judicial Proceedings.

Information Source(s): Department of State Police, Governor’s Office of Crime Control and Prevention, Department of Legislative Services

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Analysis by: Guy G. Cherry

Direct Inquiries to:
(410) 946-5510
(301) 970-5510