

Department of Legislative Services
Maryland General Assembly
2005 Session

FISCAL AND POLICY NOTE

Senate Bill 622

(Senator Kelley)

Judicial Proceedings

Judiciary

Public Safety - Collection of DNA Samples - State Budget

This bill repeals the requirement that adequate funds be appropriated in the State budget before an individual convicted of a felony, fourth degree burglary, or breaking and entering a motor vehicle is required to submit a DNA sample. It also repeals the requirement that adequate funds be appropriated in the State budget before an individual convicted of one of these same offenses on or before October 1, 2003 is required to submit a DNA sample.

Fiscal Summary

State Effect: The bill's changes can be handled with existing budgeted resources.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: If adequate funds for the collection of DNA samples are appropriated in the State budget, an individual who is convicted of a felony, fourth degree burglary, or breaking and entering a motor vehicle must have a DNA sample collected on intake to a correctional facility or as a condition of sentence or probation.

If adequate funds for the collection of DNA samples are appropriated in the State budget, an individual who was convicted of a felony fourth degree burglary, or breaking and entering a motor vehicle on or before October 1, 2003 and who remains confined in a

correctional facility on or after October 1, 1999, must submit a DNA sample to the Department of State Police.

Background: DNA (deoxyribonucleic acid) is genetic material that is present in every cell of the human body, and may often be detectable in common criminal evidence such as hair and body fluids. It is unique and specific to an individual (except for identical twins who share identical genetic material). As technology in genetic and evidentiary testing has evolved, more attention has been given to DNA identification testing as a law enforcement tool, used to establish either the guilt or innocence of suspected or convicted offenders.

State Expenditures: The Department of State Police advises that the collection of DNA samples can be handled with existing budgeted resources. In calendar 2003, the State Police Forensic Lab collected 8,197 DNA samples for the DNA database. If current collection rates are maintained, the collection can be handled within existing budgeted resources. The Governor's proposed fiscal 2006 budget allowance for the Forensic Sciences Division of the Maryland State Police is \$6,537,731. This amount includes the allocation for DNA sample collection.

Additional Information

Prior Introductions: None.

Cross File: None.

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

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Analysis by: Kineta A. Rotan

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