



## HOUSE COMMITTEE ON APPROPRIATIONS

# FISCAL NOTE

SENATE BILL NO. 461

PRINTERS NO. 1026

PRIME SPONSOR: Killion

### COST / (SAVINGS)

FUND	FY 2017/18	FY 2018/19
General Fund	\$0	See Fiscal Impact

#### SUMMARY:

Senate Bill 461, Printer's Number 1026 amends Title 44 (Law and Justice) in various Sections of Chapter 23 (DNA Data and Testing) relating to the collection, analysis, use of and storage of DNA samples and/or profiles in the State DNA Database.

#### ANALYSIS:

The bill makes numerous changes to Chapter 23 (DNA Data and Testing) of Title 44 (Law and Justice) with the intention of modernizing and reforming the administration, application and use of the Pennsylvania State DNA Database.

Under current law, DNA samples must be taken from individuals convicted of any felony and crimes on a list of other specified offenses. This legislation expands that requirement to include those convicted of a misdemeanor of the first degree and 15 misdemeanors of the second degree enumerated in the bill, beginning on December 1, 2019.

This legislation will also require the Commissioner of the State Police to submit an annual report to the General Assembly on the collection and testing of DNA samples.

This legislation makes changes to ensure the State DNA Database is compatible with Federal Bureau of Investigation policies and procedures and provides for DNA database exchange.

Pennsylvania law currently allows the maintenance of DNA records in the State DNA Database for research and law enforcement identification. This legislation clarifies this language to prohibit the use of DNA records for human behavioral genetic research or for other identification purposes.

Under current law, DNA records must be expunged under certain circumstances only when the exonerated individual whose DNA record is in the State DNA Database requests that it be done. This legislation permits a person to file a written request to have DNA information removed from the database if it was included by mistake. It also allows individuals to petition the court for

expungement under certain circumstances including acquittals, a reversal of a conviction or where charges for which the sample was collected have not been pursued.

The majority of the bill's provisions would take effect in 270 days, while the changes to the definition of "other specified offense" in Pa.C.S. Section 2303 shall take effect December 1, 2019.

**FISCAL IMPACT:** Any additional fiscal impact to the Pennsylvania State Police (PSP) would not be realized until FY2019-20 as the testing requirements for "other specified offenses" become effective December 1, 2019.

The PSP projects that DNA testing requirements would result in an additional overall cost of \$3.2 million annually, with approximately \$1.6 million beginning in FY2019-20. This cost is based on the assumption of 40,000 new offenders to the extent there are more convictions for the qualifying misdemeanors. With an effective date of December 1, 2019, this also provides sufficient time for the PSP to increase DNA laboratory testing capacity. It is possible some costs could be offset with federal funds related to DNA processing.

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**DATE:** June 19, 2018

*Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.*