



HOUSE COMMITTEE ON APPROPRIATIONS

FISCAL NOTE

SENATE BILL NO. 916

PRINTERS NO. 2086

PRIME SPONSOR: Greenleaf

COST / (SAVINGS)

FUND	FY 2018/19	FY 2019/20
General Fund	\$0	\$0

SUMMARY:

Senate Bill 916, Printer's Number 2086 amends Title 42 (Judiciary and Judicial Procedure), Chapter 95 (Post-trial Matters), Subchapter B (Post Conviction Relief), Section 9543.1 (Postconviction DNA testing) and Title 44 (Law and Justice) to further provide for Post-Conviction DNA testing.

ANALYSIS:

SB 916 amends the Judicial Code by further amending Section 9543.1 (a) (Postconviction DNA testing-Motion) by eliminating the current requirement for filing a motion requesting forensic DNA testing where the applicant making the motion must be serving a term of imprisonment or awaiting execution because of a death sentence. Section 9543.1 (a) is further amended to permit DNA testing when evidence had been previously subject to testing; however, newer technology could provide more accurate results and allows an individual to file a motion for DNA testing at any time if the motion is made in a timely manner and for the purpose of demonstrating the applicant's innocence and not to delay the administration of justice. The subsection is further amended to provide that a plea of guilty to a crime, or a confession given by the applicant will not prohibit the court from ordering DNA testing. The motion will contain an explanation on how there is reasonable possibility that DNA testing would produce evidence of the applicant's innocence.

Section 9543.1 (c) (Postconviction DNA testing-Requirements) is amended to require the applicant to submit a sworn statement asserting the applicant's innocence and that the applicant seeks DNA testing demonstrating the applicant's innocence.

Section 9543.1 (d) (Postconviction DNA testing-Order) is amended to provide that the court may deny the request for testing if there is no reasonable probability for exculpatory evidence. The subsection is further amended to provide that any DNA testing order is considered a final order and an applicant may appeal a decision denying or granting a DNA testing order and any decision granting or denying DNA testing will include an explanation by the court. In the event the motion has been granted, the court may require the Commonwealth to prepare an inventory of previously conducted evidence.

Section 9543.1 (e) (Postconviction DNA testing-Testing procedures) provides that if the applicant and the Commonwealth are unable to agree on a laboratory for the DNA testing, the laboratory will be selected by the court. The subsection is further amended to provide that best laboratory testing practices will be used, and in the event a private laboratory is used, and a DNA database search is anticipated, the applicant will ensure that the chosen laboratory is accredited, and the DNA testing results will be entered into the Combined DNA Index System.

Section 9543.1 (f) (Postconviction DNA testing-Post testing procedures) is amended to increase the time for filing a petition for relief (Section 9545 (b)(2)) from 60 days to one year from the date the applicant is notified of the DNA test results. The subsection is further amended to provide for DNA testing result reporting requirements.

Section 9543.1 (h) (Postconviction DNA testing-Definitions) adds the following definitions, "CODIS," "NDIS," "Public laboratory."

Title 44 (Law and Justice), Part II (Pennsylvania State Police), Chapter 23 (DNA Data and testing) amends Sections 2302, 2303, 2311 (2), 2312, 2313, 2314, 2315 and 2316 to expand the current PSP DNA testing and database requirements to various offenses to include certain misdemeanor offenses.

The amendment of Section 9543.1 of Title 42 would take effect in 60 days. The additions to Title 44, Section 2303 (4) and (6) would take effect on December 1, 2019. The remainder of the legislation will take effect in 360 days.

FISCAL IMPACT:

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

The PSP projects that DNA testing requirements could 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 should also provide sufficient time for the PSP to increase DNA laboratory testing capacity. It is possible costs could be offset with federal funds related to DNA processing.

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DATE: October 15, 2018

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