

SENATE APPROPRIATIONS COMMITTEE FISCAL NOTE

BILL NO. Senate Bill 775

PRINTER'S NO. 1602

AMOUNT

FY 2011-12: No Fiscal Impact
FY 2012-13: \$561,646.00

FUND

General Fund

DATE INTRODUCED

March 15, 2011

PRIME SPONSOR

Senator Pileggi

HISTORY OF BILL

Referred to JUDICIARY, March 15, 2011
Reported as amended, Sept. 27, 2011
First consideration, Sept. 27, 2011
Re-referred to APPROPRIATIONS, Oct. 19, 2011
Re-reported as committed, Oct. 31, 2011

DESCRIPTION AND PURPOSE OF BILL

Senate Bill 775 (PN 863) amends Title 44 (Law and Justice) of the Pennsylvania Consolidated Statutes in the area of mandatory sampling of DNA and purging of DNA records from the state DNA data base. Specifically, this legislation does the following:

- Expands the list of eligible criminal offenses for which DNA testing is required;
- Expands DNA testing to arrested individuals;
- Mandates purging of all DNA records and identifiable information of exonerated individuals;
- Ensures the privacy and proper use of DNA records;
- Provides for "modified DNA searches";
- Provides for accreditation requirements; and
- Contains a severability clause and a 270 day effective date.

The bill was amended in the Senate Judiciary Committee on September 27, 2011. The amended bill (current PN 1602) now contains all of the provisions mentioned above as well as the following:

- Made revisions relating to the collection of DNA samples from arrestees; and
- Provided a phase-in period for different classes of offenses.

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FISCAL NOTE

FISCAL IMPACT:

According to testimony from the Pennsylvania State Police (PSP) before the Senate Judiciary Committee in March of this year, PSP processed 25,862 DNA samples in 2010, of which 1,924 of those samples were for casework and the remaining 23,938 samples were for convicted offenders required by law to submit a DNA sample. Turnaround time for the convicted offenders was 80 days at the end of 2010 and 60 days in March of this year. PSP was hoping to have the turnaround time down to 30 days by mid-year, according to testimony.

According to PSP, requiring mandatory DNA samples for all felony arrests (versus post conviction) would add 100,000 cases annually to their current caseload.

The PSP received a FY 2011-12 state appropriation of \$1.5 million and a federal grant from the U.S. Department of Justice in the amount of \$1.6 million to be used for overtime, equipment and supplies in order to remedy the backlog situation they are currently experiencing. Additionally, federal funding for the DNA Backlog Reduction program looks very positive for FY 2012-13 as both the House and Senate have proposed no cuts to the DNA program for next year.

According to the Pennsylvania Uniform Crime Reporting System and the PSP, approximately 3,500 statewide arrests last year would have fallen into the first "phase-in" period of the bill, requiring the submission of a DNA sample immediately upon arrest. This first phase-in period is 90 days after the effective date of the legislation, which is 270 days after enactment. Therefore, PSP would need approximately 9 months' funding in FY 2012-13 for "Familial DNA Searches" and approximately 6 months' funding for the expanded list of offenders requiring a DNA sample immediately upon arrest. This funding would be required for personnel, supplies and equipment.

It is estimated that PSP would incur additional personnel costs with salaries and benefits in the amount of \$295,821 and supplies, equipment and software updates in the amount of \$265,825 in FY 2012-13.