

SENATE APPROPRIATIONS COMMITTEE FISCAL NOTE

BILL NO. Senate Bill 150

PRINTER'S NO. 342

AMOUNT

FY 2012-13: No Fiscal Impact
FY 2013-14: \$2.1 million¹
FY 2014-2015: \$385,000

FUND

General Fund

DATE INTRODUCED

January 16, 2013

PRIME SPONSOR

Senator Pileggi

HISTORY OF BILL

Referred to JUDICIARY, Jan. 16, 2013
Reported as amended, Jan. 29, 2013
First consideration, Jan. 29, 2013
Second consideration, Jan. 30, 2013
Re-referred to APPROPRIATIONS, Jan. 30, 2013
Re-reported as amended, Feb. 4, 2013
Laid on the table, Feb. 11, 2013

DESCRIPTION AND PURPOSE OF BILL

Senate Bill 150 (PN 240) 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 database. Specifically, this legislation does the following:

- Expands the list of eligible criminal offenses for which DNA testing is required;
- Expands DNA testing to certain arrested individuals;
- Codifies accreditation requirements for forensic DNA testing laboratories;
- Authorizes "modified DNA searches";
- Provides for expungement of DNA records and identifiable information of exonerated individuals;
- Ensures the privacy and proper use of DNA records;

¹ FY 2013-2014 costs may be offset up to 100% if the Commonwealth applies to the U.S. Department of Justice for a federal grant under the Katie Sepich Enhanced DNA Collection Act and is awarded such funds.

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- Requires the submission of a DNA testing annual report from the Pennsylvania State Police Commissioner to the Governor’s Office and the majority and minority chairmen of the Senate and House Judiciary Committees.
- Requires the State Police to create and provide an expungement procedure informational pamphlet to any person whose DNA sample, record, or profile has been taken or created under the legislation.

The legislation provides for the following phase-in schedule for DNA sampling of arrestees:

- One year after the effective date of the act for those arrested for criminal homicide;
- Two years after the effective date of the act for those arrested for a felony sex offense; and
- Three years after the effective date of the act for those arrested for all other specified offenses.

Twenty-six (26) other states have enacted DNA arrestee testing laws.

This act shall take effect in 60 days.

FISCAL IMPACT:²

According to the Governor’s Office of the Budget, the Pennsylvania State Police (PSP) and the Pennsylvania Board of Probation and Parole (PBPP) would incur the following costs:

(Dollar Amounts in Thousands)			
Agency:	Description:	FY 2013-2014	FY 2014-2015
PSP	Modified DNA Searches:	\$385	\$385
PSP	DNA laboratory expansion:	\$1,500	\$0
PSP	Criminal Homicide Arrestees testing:	\$0	Nominal
PBPP	Paroled Offenders File Review and new DNA Sampling:	\$216	\$0
	Total Costs:	\$2,101	\$385

² Fiscal Analysis assumes an effective date of August 2013.
2/12/2013

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The above mentioned costs would be due to the hiring of six additional staff to perform familial DNA searches and the expansion of DNA testing facilities to handle the increased caseload of familial DNA searches and future DNA testing of arrestees for felony sex offenses and other specified offenses. They indicated that PSP would absorb any costs for DNA testing of criminal homicide arrestees into their existing budget. PBPP would be required to review the files of paroled offenders to determine whether or not their DNA sample is recorded in the state DNA database. They estimate that approximately 8,140 cases would need to be reviewed and 300 to 1,300 cases would require new DNA sampling. Overtime costs for the reviews and new DNA sampling is estimated to be between \$185,500 and \$247,000 in FY 2013-2014.

In order to remedy the backlog situation PSP has been experiencing, they received state appropriations of \$1.5 million in FY 2011-2012 and FY 2012-2013 and federal grants from the U.S. Department of Justice in the following amounts:

- FFY 2009-2010: \$1.1 million;
- FFY 2010-2011: \$1.6 million; and
- FFY 2011-2012: \$1.5 million.

The FFY 2011-2012 federal grant runs through March 2014 and new grant solicitations are typically released in the spring. If there is a new solicitation, and if PSP were to be awarded funding, they could not speculate on the award amount.

Additionally, the President of the United States signed into law the "Katie Sepich Enhanced DNA Collection Act of 2012," on January 10, 2013. This federal law directs the Attorney General of the United States to implement and carry out a grant program for the purpose of assisting states with the costs associated with the implementation of DNA arrestee collection processes. The amount available to a state is based on the projected costs that will be incurred by the state to implement a DNA arrestee collection process. States shall be eligible for a grant that is equal to no more than 100 percent of the first year costs.

Therefore, the fiscal impact on Commonwealth funds for FY 2013-2014 may be offset with federal grant funds awarded under this new law.

Costs associated with the Pennsylvania State Police's duty to create and provide an expungement procedure informational pamphlet to certain individuals are expected to be minimal and capable of being absorbed within the Department's current appropriations.