

SENATE APPROPRIATIONS COMMITTEE FISCAL NOTE

BILL NO. Senate Bill 461

PRINTER NO. 454

AMOUNT

\$2.9 - \$3.2 Million Annual Costs

FUND

General Fund
Motor License Fund

DATE INTRODUCED

February 28, 2017

PRIME SPONSOR

Senator Killion

DESCRIPTION AND PURPOSE OF BILL

Senate Bill 461 amends Title 44 (Law and Justice) of the Pennsylvania Consolidated Statutes, to address the collection and testing of DNA evidence from certain individuals convicted or adjudicated delinquent of a felony sex offense or "other specified offense" as defined in this legislation.

Specifically, this legislation does the following:

- Adds certain criminal offenses to the definition of "other specified offense;"
- Requires the Pennsylvania State Police (State Police) to promulgate, as necessary, rules, regulations and guidelines to carry out the provisions of this legislation pertaining to the collection, submission, identification, testing, analysis, storage and disposition of DNA samples and forensic DNA profiles and records from DNA samples;
- Establishes a Statewide DNA Data Base within the State Police to store forensic DNA profiles and records;
- Requires the DNA Data Base to have the capability provided by computer software and procedures administered by the State Police to store and maintain forensic DNA profiles and records related to delinquency adjudicated offenders, anonymous DNA records used for statistical research on the frequency of DNA genotypes, quality control or the development of new DNA identification methods;
- Establishes a State DNA Data Bank to serve as the repository of DNA samples collected under this new legislation or under prior law;
- Allows for the State Police to recommend to the General Assembly that it enact legislation for the inclusion of additional offenses for which DNA samples shall be taken and otherwise subjected to the provisions of this legislation;

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- Requires the Commissioner of the Pennsylvania State Police to submit an annual report, no later than August 1 of each year, to the Governor's Office, the chairperson and minority chairperson of the Judiciary Committee of the Senate and the chairperson and minority chairperson of the of the Judiciary Committee of the House of Representatives, that contains information regarding the collection and testing of DNA samples under the provisions of this legislation. The annual report must include, but need not be limited to, the following information pertaining to the previous fiscal year:
 - 1) The age, race and sex of those convicted from whom DNA samples were submitted upon conviction;
 - 2) The fiscal impact on the State Police of collecting and testing DNA samples from persons convicted of or adjudicated delinquent for offenses;
 - 3) The average length of time between the receipt of DNA samples from those convicted of offenses and the completion of forensic DNA testing of each of those categories of DNA samples; and
 - 4) Recommendations, if any, for the inclusion of additional offenses for which DNA samples must be collected or recommendations for the removal of specific offenses from the categories requiring the collection of DNA samples from arrestees or persons convicted of crimes.
- Requires the DNA identification system established by the state Police shall comply with FBI Quality Assurance Standards for forensic DNA testing laboratories and DNA data basing laboratories and CODIS policies and procedures;
- Requires a person who is convicted or adjudicated delinquent of a felony sex offense or other specified offense who is or remains incarcerated for a felony sex offense or other specified offense on or after the effective date of this legislation to have a DNA sample collected immediately after the sentencing or adjudication;
- Prohibits the release of any individual, convicted or adjudicated delinquent for an offense covered by this legislation, in any manner after such disposition unless and until a DNA sample and fingerprints have been collected;
- Requires that acceptance into an ARD program as a result of an eligible conviction under this legislation must be conditioned on the collection of a DNA sample;
- Requires that acceptance of supervision of an offender from another jurisdiction with an eligible conviction under this legislation must be conditioned on the collection of a DNA sample and fingerprints;
- Outlines certain guidelines for the collection of DNA samples;
- Provides for limitation on liability to persons authorized to collect DNA samples when acting in a reasonable manner according to generally accepted medical and other professional practices;

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- Clarifies that a DNA sample or DNA record acquired under this legislation may not be used for human behavioral genetic research or for non-law enforcement or nonhumanitarian identification purposes;
- Clarifies the duties of the State Police on receiving, storing and testing of DNA samples;
- Outlines certain qualifications of DNA laboratories that the State Police may contract with for DNA testing; and
- Allows for expungement of DNA samples, records or profiles in the State DNA Data Base under certain conditions.

This legislation shall take effect in 180 days, except the inclusion of first degree misdemeanors under Titles 18 (Crimes and Offenses) and 75 (Vehicles) and second degree misdemeanors under Title 18 (Crimes and Offenses) that are itemized in the definition of "other specified offense." These inclusions will take effect on December 1, 2019.

FISCAL IMPACT:

According to the Pennsylvania State Police, implementation of this legislation would require additional personnel, equipment and supplies totaling \$2.9 Million, in addition to other indeterminate costs as discussed below. The following chart breaks out those costs as follows:

Personnel & Benefit Costs (Collection & Testing of 40,000 New DNA Samples)	
2 Evidence Technicians @ \$30,122	\$60,244
3 Chemistry Technicians @ \$30,122	\$90,366
2 Clerk Typist 2's @ \$26,739	\$53,478
7 Forensic Scientists @ \$43,932	\$307,524
Total Salary Costs:	\$511,612
Benefits @ 67.09% Benefit Rate	\$343,240
Total Personnel & Benefit Costs:	\$854,852
Equipment & Supply Costs (Collection & Testing of 40,000 New DNA Samples)	
Collection Kits @ \$6.50 per kit	\$260,000
Postage (2X) @ \$1.25 per kit	\$100,000
Collection and Storage @ \$1.54 per sample	\$61,600
Sample Analysis @ \$40.00 per sample	\$1,600,000
Total Equipment & Supply Costs:	\$2,021,600
Total Estimated Implementation Costs:	\$2,876,452

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The Pennsylvania State Police advises that cost estimates are not available for the publication of expungement policies or the reporting provisions of this legislation, which is estimated to be \$300,000. Additionally, the above mentioned cost estimates do not include annual intake and analysis of 20,000 convicted offenders of felony offenses.