

**Local Mandate Fiscal Impact Estimate  
Kentucky Legislative Research Commission  
2016 Regular Session**

**Part I: Measure Information**

**Bill Request #:** 1085

**Bill #:** HB 191 HCS

**Bill Subject/Title:** AN ACT relating to DNA

**Sponsor:** Representative Reginald Meeks

Unit of Government:  City  County  Urban-County  
 Charter County  Consolidated Local  Unified Local  
Government

Office(s) Impacted: County Jails, County Sheriff Offices, Local Police Departments

Requirement:  Mandatory  Optional

Effect on

Powers & Duties:  Modifies Existing  Adds New  Eliminates Existing

**Part II: Purpose and Mechanics**

As introduced, HB 191 requires local law enforcement agencies and jailers to obtain a DNA sample of any adult arrested, indicted, or otherwise charged with a felony. This DNA sample will be remitted to and kept on file by the Kentucky State Police (KSP) forensic lab. KSP will provide necessary supplies and containers at no cost to the local agency. The local agency collecting the DNA sample will receive \$5 payment for each sample collected. The local law enforcement agency, not fiscal court or city government, will receive the payment from the State Treasury.

**HB 191 HCS retains the major provisions of the measure as introduced and makes the following changes in the bill.**

HB 191 HCS provides that a DNA sample may be used as part of a criminal investigation until the sample is removed or destroyed from the DNA database identification system.

HB 191 HCS requires the Court to order the Kentucky State Police to remove and destroy the DNA sample, record, and any other identifiable information of a person from the DNA database if the person's arrest or conviction that led to the DNA sample resulted in

an acquittal, a dismissal, or a non-felony conviction or the person successfully completed a pretrial diversion program and the charges were dismissed-diverted.

**Part III: Fiscal Explanation, Bill Provisions, and Estimated Cost**

**The fiscal impact of HB 191 HCS on local governments is expected to be minimal.**

All supplies and containers will be provided free to local agencies by KSP. There may be a cost to the local agency to attend the training, as well as personnel cost to cover the shifts of those employees in training. The larger agencies may experience minor personnel issues resulting from the time necessary to obtain the DNA sample. If the arresting officer is responsible for obtaining the sample there will be time taken from the officer’s other duties.

While the cost to local government will be minimal, KSP estimates the initial cost to the State Treasury regarding the \$5 payment to the agency as a maximum of \$186,275. This is based on 37,255 felony arrests through December 2015. These arrest include single and multiple felony offense charges per arrest. Depending on the type of any prior felony offense (i.e. sexual assault), a number of these arrestees may have already submitted to a DNA sample prior to this program. This figure does not include the cost of supplies which will be absorbed by the KSP.

It may be assumed that if the bill passes, the cost to the State Treasury and consequently, the amount going to local governments, will decrease over time, as DNA samples will have already been collected on repeat offenders. The Bureau of Justice Statistics (BJS) puts the percentage for repeat felon arrest in the country’s 75 largest counties as high as 75%. Additional BJS data states three in four former prisoners in 30 states are arrested within five years of release. Kentucky-specific data regarding repeat offenders is not readily available, but assuming the BJS data of 75% recidivism, over a 10 year cycle, DNA samples may only be needed on approximately 9,300 felony arrestees annually.

**Below is a breakdown of felony arrest per county by the arresting agency for 2015.** This data is only through December 4, 2015. Whereas, there can be a significant variance year to year especially with the larger agencies, the omission of December is not crucial to providing a rough estimate. When estimating the impact to a specific local agency at \$5 per sample, please note the future impact of repeat offenders and lower the estimate accordingly.

| COUNTY   | NUMBER OF FELONY ARREST |  | COUNTY | NUMBER OF FELONY ARREST |
|----------|-------------------------|--|--------|-------------------------|
| ADAIR    | 25                      |  | KNOX   | 116                     |
| ALLEN    | 177                     |  | LARUE  | 94                      |
| ANDERSON | 103                     |  | LAUREL | 567                     |

| <b>COUNTY</b> | <b>NUMBER OF FELONY ARREST</b> |  | <b>COUNTY</b> | <b>NUMBER OF FELONY ARREST</b> |
|---------------|--------------------------------|--|---------------|--------------------------------|
| BALLARD       | 29                             |  | LAWRENCE      | 53                             |
| BARREN        | 422                            |  | LEE           | 106                            |
| BATH          | 83                             |  | LESLIE        | 28                             |
| BELL          | 442                            |  | LETCHER       | 85                             |
| BOONE         | 921                            |  | LEWIS         | 42                             |
| BOURBON       | 182                            |  | LINCOLN       | 204                            |
| BOYD          | 448                            |  | LIVINGSTON    | 40                             |
| BOYLE         | 252                            |  | LOGAN         | 392                            |
| BRACKEN       | 17                             |  | LYON          | 78                             |
| BREATHITT     | 68                             |  | MADISON       | 875                            |
| BRECKINRIDGE  | 56                             |  | MAGOFFIN      | 43                             |
| BULLITT       | 466                            |  | MARION        | 209                            |
| BUTLER        | 119                            |  | MARSHALL      | 216                            |
| CALDWELL      | 123                            |  | MARTIN        | 88                             |
| CALLOWAY      | 218                            |  | MASON         | 233                            |
| CAMPBELL      | 826                            |  | MCCRACKEN     | 727                            |
| CARLISLE      | 34                             |  | MCCREARY      | 210                            |
| CARROLL       | 159                            |  | MCLEAN        | 50                             |
| CARTER        | 163                            |  | MEADE         | 211                            |
| CASEY         | 73                             |  | MENIFEE       | 4                              |
| CHRISTIAN     | 885                            |  | MERCER        | 125                            |
| CLARK         | 337                            |  | METCALFE      | 34                             |
| CLAY          | 190                            |  | MONROE        | 80                             |
| CLINTON       | 62                             |  | MONTGOMERY    | 261                            |
| CRITTENDEN    | 59                             |  | MORGAN        | 42                             |
| CUMBERLAND    | 54                             |  | MUHLENBERG    | 239                            |
| DAVISS        | 1257                           |  | NELSON        | 429                            |
| EDMONSON      | 99                             |  | NICHOLAS      | 34                             |
| ELLIOTT       | 23                             |  | OHIO          | 186                            |
| ESTILL        | 87                             |  | OLDHAM        | 246                            |
| FAYETTE       | 2397                           |  | OWEN          | 34                             |
| FLEMING       | 83                             |  | OWSLEY        | 72                             |
| FLOYD         | 182                            |  | PENDLETON     | 61                             |
| FRANKLIN      | 482                            |  | PERRY         | 254                            |
| FULTON        | 114                            |  | PIKE          | 330                            |
| GALLATIN      | 60                             |  | POWELL        | 82                             |
| GARRARD       | 91                             |  | PULASKI       | 418                            |
| GRANT         | 191                            |  | ROBERTSON     | 4                              |

| COUNTY    | NUMBER OF FELONY ARREST |  | COUNTY     | NUMBER OF FELONY ARREST |
|-----------|-------------------------|--|------------|-------------------------|
| GRAVES    | 520                     |  | ROCKCASTLE | 279                     |
| GRAYSON   | 136                     |  | ROWAN      | 207                     |
| GREEN     | 37                      |  | RUSSELL    | 47                      |
| GREENUP   | 69                      |  | SCOTT      | 289                     |
| HANCOCK   | 10                      |  | SHELBY     | 351                     |
| HARDIN    | 816                     |  | SIMPSON    | 141                     |
| HARLAN    | 480                     |  | SPENCER    | 51                      |
| HARRISON  | 99                      |  | TAYLOR     | 359                     |
| HART      | 205                     |  | TODD       | 128                     |
| HENDERSON | 491                     |  | TRIGG      | 118                     |
| HENRY     | 143                     |  | TRIMBLE    | 74                      |
| HICKMAN   | 47                      |  | UNION      | 167                     |
| HOPKINS   | 596                     |  | WARREN     | 1171                    |
| JACKSON   | 17                      |  | WASHINGTON | 47                      |
| JEFFERSON | 7815                    |  | WAYNE      | 223                     |
| JESSAMINE | 464                     |  | WEBSTER    | 64                      |
| JOHNSON   | 219                     |  | WHITLEY    | 169                     |
| KENTON    | 1277                    |  | WOLFE      | 64                      |
| KNOTT     | 95                      |  | WOODFORD   | 109                     |

**Data Source(s):** Kentucky State Police, Bureau of Justice Statistics, Franklin County Sheriff's Office, Near-identical to 15 RS HB 58 and 16RS BR 443

**Preparer:** Wendell F. Butler      **Reviewer:** JWN      **Date:** 3/2/16