

**COMMONWEALTH OF KENTUCKY STATE FISCAL NOTE STATEMENT
LEGISLATIVE RESEARCH COMMISSION
2017 REGULAR SESSION**

MEASURE

2017 BR NUMBER **1472**

HOUSE BILL NUMBER **356**

RESOLUTION NUMBER _____

AMENDMENT NUMBER _____

SUBJECT/TITLE **An ACT relating to DNA.**

SPONSOR **Representative Meeks**

NOTE SUMMARY

FISCAL ANALYSIS: IMPACT NO IMPACT INDETERMINABLE IMPACT

LEVEL(S) OF IMPACT: STATE LOCAL FEDERAL

BUDGET UNIT(S) IMPACT: **General Fund, Department of Kentucky State Police**

FUND(S) IMPACT: GENERAL ROAD FEDERAL RESTRICTED AGENCY _____ OTHER

FISCAL SUMMARY

FISCAL ESTIMATES	2016-2017	2017-2018	ANNUAL IMPACT AT FULL IMPLEMENTATION
REVENUES			
EXPENDITURES		\$1,784,250	\$1,025,000
NET EFFECT		(\$1,784,250)	(\$1,025,000)

() indicates a decrease/negative

MEASURE'S PURPOSE: This legislation would require jailers or other local correctional officials and local law enforcement agencies to collect DNA samples from all adults arrested, indicted, or otherwise charged with a felony offense.

PROVISIONS/MECHANICS: Section 1 amends KRS 17.169 to redefine a DNA sample as a biological sample and expand the definition of authorized personnel to include local agents.

Section 2 amends KRS 17.170 to stipulate that any adult who is arrested, indicted, or otherwise charged with a felony arrest shall have their DNA sample taken by authorized members of local law enforcement and correctional facilities. Section 2 also removes references to collection by physicians, registered nurses, phlebotomists, medical technicians, and medical technologists. Finally, Section 2 mandates that DNA samples obtained in good faith shall be deemed to have been properly obtained and are eligible for use until removed or destroyed from the DNA database identification system.

Section 3 amends KRS 17.175 to clarify that the collection of DNA samples cannot be tested or used to identify any medical or genetic disorder. Section 3 also specifies that the removal or destruction of DNA samples be conducted after a court order and only for nonfelony offenses.

Section 4 amends KRS 64.060 to conform to previous changes and provide a \$5.00 fee from the general fund for the collection and transmittal of viable DNA samples collected from local law enforcement agencies and correctional facilities to the KSP.

FISCAL EXPLANATION: The impact of this legislation is largely on the state general fund and potentially the Department of Kentucky State Police (KSP).

Specifically, KSP projects an additional 40,000 annual DNA samples specific to this legislation. At \$5.00 per sample, the general fund would see additional expenditures in the amount of \$200,000. Costs will fluctuate depending on the number of felonies each year, although offenders who are rearrested and already provided a DNA sample will not have to do so again if their sample is still viable and stored by KSP.

KSP provided the below information regarding costs associated with the implementation of HB 356.

Item of Expense	Estimated Cost
Lab Equipment, Space and Sample Storage, Computers, Scanners, Readers, and Furnishings	\$429,250
Hardware/Software	\$355,000
Supplies for Testing	\$800,000
Total	\$1,584,250

Cost estimates appear to be manageable within KSP's current budget as the Department has secured federal grants and settlement funds transferred from the Office of the Attorney General via budget language in 2016 Regular Session HB 303.

It is important to note that current sources of funding are not guaranteed in the future. As such, any events that jeopardize continued funding will likely appear to the General Assembly as a general fund replacement request in future state budgets. Total estimated annual recurring costs are anticipated to be \$825,000, of which \$800,000 is attributable to supplies for testing and \$25,000 for instrument repair and maintenance. This estimated annual cost is what poses an impact to the KSP if current funding streams dissipate.

DATA SOURCE(S): Department of Kentucky State Police

PREPARER: Zach Ireland and Savannah Wiley **NOTE NUMBER:** 132 **REVIEW:** JRS **DATE:** 2/27/2017