

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 0517-02  
Bill No.: HB 37  
Subject: Courts; Criminal Procedure; Crimes and Punishment  
Type: Original  
Date: January 15, 2019

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Bill Summary: This proposal extends the expiration date to collect surcharges that are deposited into the DNA Profiling Analysis Fund.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
<b>FUND AFFECTED</b>	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>
<b>Total Estimated Net Effect on General Revenue</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>
DNA Profiling Analysis Fund	\$1,028,041	\$1,233,649	\$1,233,649
<b>Total Estimated Net Effect on <u>Other</u> State Funds</b>	<b>\$1,028,041</b>	<b>\$1,233,649</b>	<b>\$1,233,649</b>

Numbers within parentheses: ( ) indicate costs or losses.

This fiscal note contains 6 pages.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)</b>			
<b>FUND AFFECTED</b>	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>
<b>Total Estimated Net Effect on FTE</b>	<b>0</b>	<b>0</b>	<b>0</b>

Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$100,000 in any of the three fiscal years after implementation of the act.

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

## FISCAL ANALYSIS

### ASSUMPTION

#### §488.5050 - Extends the expiration date of the DNA Profiling Analysis Fund

Officials from the **Department of Public Safety - Missouri State Highway Patrol (MHP)** state SB 20 extends the expiration of a criminal court surcharge for the DNA Profiling Analysis Fund from August 28, 2019, to August 28, 2029.

Pursuant to 650.052, RSMo, the MHP is designated as the central repository for the DNA profiling system known as CODIS or the Combined DNA Index System. The CODIS Unit of the MSHP Crime Laboratory manages the Offender DNA Profiling program and collaborates with the seven other Missouri CODIS laboratories, allowing for their participation in the National DNA Index System. The CODIS Unit receives an average of 21,000 offender DNA samples annually for entry into CODIS, where they are searched against DNA profiles developed from crime scene evidence, unidentified human remains, and missing persons. To date, this program has assisted over 14,300 investigations. It is an invaluable tool for law enforcement in Missouri and nationwide.

It costs \$28.93 per sample/DNA profile in raw consumables to produce a DNA profile by our CODIS unit. If labor costs, instrument, and software maintenance are included, the cost per sample/DNA profile can approach \$46.13.

Failure to address this funding source will not only result in a laboratory budgetary shortfall of approximately \$968,651 each year or the discontinuation of the program which would result in an average of 21,000 offender DNA samples annually not being registered in the CODIS DNA database but could also obviate a return on investment to the citizens of Missouri.

Additional internal calculations are based on the 2017 MSHP Criminal Justice Information Services (CJIS) arrest statistics and the Crime Lab 2017 arrestee offender sample intake. FTE needs and cost calculations are based on the unit's present estimated processing capacity and operational costs.

**Oversight** does not have any information contrary to that provided by the MHP. Therefore, Oversight will reflect MHP's impact for fiscal note purposes.

ASSUMPTION (continued)

**Oversight** notes the proposal extends income to the DNA Profiling Fund (0772). The balance of the fund at December 31, 2018 was \$3,550,916 and receipts into this fund over the past five fiscal years have been:

FY2018 - \$1,170,953  
 FY2017 - \$1,169,311  
 FY2016 - \$1,224,606  
 FY2015 - \$1,279,702  
 FY2014 - \$1,323,673

(Source: Missouri State Treasurer, Fiscal Year End Fund Activity Reports).

**Oversight** notes over the past five years, this fund averaged \$1,233,649 in annual receipts ( $\$1,170,953 + \$1,169,311 + \$1,224,606 + \$1,279,702 + 1,323,673 = \$6,168,245 / 5$ ). For fiscal note purposes, Oversight will use the five-year average as a basis of annual collections into this fund. Oversight assumes income to the fund will more than exceed MHP's estimated costs for the program.

**Oversight** notes that the **Office of Administration - Budget & Planning** and **Office of State Courts Administrator** have stated the proposal would not have a direct fiscal impact on their organizations. Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

<u>FISCAL IMPACT - State Government</u>	FY 2020 (10 Mo.)	FY 2021	FY 2022
<b>DNA PROFILING ANALYSIS FUND (#0772)</b>			
<u>Income - Extension of Expiration Date for §488.5050 from 08/28/19 to 08/28/29</u>	<u>\$1,028,041</u>	<u>\$1,233,649</u>	<u>\$1,233,649</u>
<b>ESTIMATED NET EFFECT ON THE DNA PROFILING ANALYSIS FUND</b>	<b><u>\$1,028,041</u></b>	<b><u>\$1,233,649</u></b>	<b><u>\$1,233,649</u></b>

<u>FISCAL IMPACT - Local Government</u>	FY 2020 (10 Mo.)	FY 2021	FY 2022
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

FISCAL DESCRIPTION

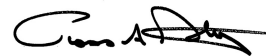
This bill adds Chapter 579, RSMo, relating to controlled substances offenses, to the class of circuit court proceeding costs for which a surcharge of \$60 shall be assessed. Additionally, the bill extends the expiration date of the provisions of the bill to August 28, 2029.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Public Safety -  
Missouri State Highway Patrol  
Office of Administration -  
Budget & Planning  
Office of State Courts Administrator

Kyle Rieman  
Director  
January 15, 2019



Ross Strope  
Assistant Director  
January 15, 2019

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