

FISCAL NOTE

STATE OF ALASKA
2006 LEGISLATIVE SESSION

Fiscal Note Number: 5
 Bill Version: CSHB 325(FIN)
 (H) Publish Date: 4/20/06

Revision Date/Time (Note if correction): _____ Dept. Affected: Public Safety
 Title "An Act relating to post-conviction DNA testing and amending Rule 35.1..." RDU Alaska State Troopers
 Component AST Detachments
 Sponsor Representative LeDoux
 Requester House Finance Committee Component No. 2325

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	****	****	****	****	****	****

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	****	****	****	****	****	****

Estimate of any current year (FY2005) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill provides for court-ordered post-conviction deoxyribonucleic acid (DNA) testing of biological evidence upon application by an incarcerated person.

As proposed, AS 12.72.220 establishes the preservation of biological evidence. Subsection (d) mandates that the law enforcement agency shall preserve any biological material identified during a crime investigation. It further states that this biological material has to be preserved for the entire time the person is incarcerated in connection with that crime.

This will have a significant, but indeterminate fiscal impact on the Department of Public Safety (DPS). In addition, every law enforcement agency in the state will be severely impacted by this requirement.

Prepared by: Special Assistant Cliff Stone Phone 907-465-2649
 Division Office of the Commissioner Date/Time 4/14/06 3:34 PM
 Approved by: Commissioner William Tandeske Date 4/14/2006
 Agency Department of Public Safety

FISCAL NOTE #5

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ANALYSIS CONTINUATION

Even if the word (any) is removed from the sentence containing (any biological evidence), the biological evidence has to be preserved as long as the convicted individual is incarcerated. To understand this more fully, a brief explanation is in order surrounding biological evidence. Biological can refer to any blood, saliva, semen, tissue and other cells that have been dispersed onto a variety of objects. This includes, but not limited to the following; clothing, shoes, bedding, walls, floors, ceilings, vehicles, roadways, dirt, candy wrappers, pop or beer cans, drinking glasses or coffee cups, tobacco products, straws, contents of vacuum bags and hoses, handguns, rifles, and shotguns, knives and other utensils. The preservation of evidence might also include animal samples, because pets and other animals that are retrieved, commonly come into contact with the victim or the convicted individual at some point during the crime or afterwards. Biological can also be recovered from the individual's blood, saliva, bones, hair, skin and other tissues by taking samples through a variety of methods.

Sometimes this biological evidence is contained on a swab and doesn't take up anymore room than a small envelope. Often though this evidence is a swatch of clothing or complete jackets, sweaters and pants, a section of wallboard, a pair of shoes or several pairs, a slab of concrete, a significant piece of carpeting, weapons, a box of dirt and leaves, bedding, cigarette butts, and even a tree stump. All of the above material could be connected to one case and involve 10-15 good size boxes. The evidence inside of these boxes have to be properly labeled and sealed to specifications as set forth in statute and regulations.

As you can see, the mandate of preserving this biological evidence for all individuals in prison for the life of their incarceration will quickly out grow current evidence lockers around the state. Besides additional personnel and materials needed to manage such evidence, new facilities will also be required statewide to warehouse this evidence.

This new section also contradicts the intent of the incarcerated person applying for DNA testing in that it states that any person may file an application for DNA testing.