

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: 3
 Bill Version: CSSB 33(STA)
 (S) Publish Date: 3/23/07

Revision Date/Time (Note if correction): _____ Dept. Affected: Public Safety
 Title DNA following Felony Charges RDU Statewide Support
 Component Laboratory Services
 Sponsor Senator Bunde
 Requester Senate State Affairs Component No. 527

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services	177.3	163.8	163.8	163.8	163.8	163.8
Travel	4.0	4.0	4.0	4.0	4.0	4.0
Contractual	114.9	7.4	7.4	7.4	7.4	7.4
Supplies	45.9	45.9	45.9	45.9	45.9	45.9
Equipment	25.0					
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	367.1	221.1	221.1	221.1	221.1	221.1

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	367.1	221.1	221.1	221.1	221.1	221.1
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	367.1	221.1	221.1	221.1	221.1	221.1

Estimate of any current year (FY2007) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

POSITIONS

Full-time	2	2	2	2	2	2
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

The Department of Public Safety supports the principle of increasing the number of DNA samples being collected and searched in the national DNA database (CODIS). This legislation significantly expands the Alaska state crime lab responsibilities regarding DNA by requiring the collection of DNA from persons who have been charged with felonies under AS 11. The law presently allows for the collection of DNA only from persons who have been convicted of qualifying offenses, juveniles who have been adjudicated as delinquent for qualifying offenses, persons convicted of offenses that require sex offender registration, and persons whose DNA is collected for non-criminal purposes (e.g., voluntary donors and anonymous donors for validation and statistical purposes).

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 Date/Time: 3/12/07 6:00 PM
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ANALYSIS CONTINUATION

This analysis assumes that this legislation is intended to apply only to persons who are charged with AS 11 felonies after the effective date of the legislation, and is not intended to apply to all persons against whom charges are pending at the effective date of the bill.

Collecting DNA from persons charged with AS 11 felonies will require programming and data entry changes in APSIN, which is Alaska's criminal history system. The DNA indicator in APSIN, which presently can be entered on the APSIN record of each person from whom DNA is required (updated when DNA is on file), must be modified to add that DNA is required from persons when they are charged with AS 11 felonies, and not only when they are convicted of qualifying offenses. This will require the development of different indicators, since the "DNA upon charge" provisions apply to fewer offenses (only AS 11 felonies) than the qualifying offense provisions (which also include misdemeanors, Title 28 felonies, and municipal offenses).

However, the APSIN system cannot presently receive or include charge information; it includes only arrest and disposition information (e.g., dismissals, convictions). DPS programmers and contractors will have to work with other entities, including the court system, law enforcement, and state and municipal prosecutors, to see if a system of charge notifications to APSIN can be developed. If that can be done, the APSIN charge information must then be linked to the crime lab case management system (LIMS). This is necessary because crime lab personnel must determine the authority for submitting a sample so they can verify the sample and identify which section of the DNA registration system (the federal DNA database, CODIS) the analysis should be entered into: the qualifying conviction section or the charge/arrestee section.

The legislation requires that "the material in the system" (referred to here as samples) that is submitted upon charging must be removed if the charges are dismissed. Presently it is rare to remove DNA samples from the database, since relatively few qualifying convictions are reversed. However, when samples are required at time of charging, programming and procedures for removing DNA from the database must be developed, because it is very common to reduce, amend, or dismiss the charges that are initially brought. The language in Sec 2 about removing DNA when "the criminal complaint, indictment, presentment, or information has been dismissed" will lead to confusion. Qualifying charges (AS 11 felonies) are frequently dismissed, refiled, reduced, and amended. This section should be worded more precisely.

APSIN and LIMS programming changes and costs assume that (1) the existing DNA database (CODIS) can accommodate DNA submitted upon charging; (2) modifications must be made to the APSIN replacement system that is currently being written; and (3) programming changes in systems at the Alaska Court System, the Department of Law, and others, to initiate data transfers for new, changed or charge disposition status will be made and funded by those agencies. These are one-time costs that are included only in FY2008, although the costs could extend into FY2009 if other agencies make system changes that extend into FY2009 and must be integrated with APSIN. Programming includes the development of the web service (DPS to LIMS) by an Analyst Programmer IV, which will take 1.5 months (personal services \$13,500); development of the web service by LIMS contractor (\$13,500); modifications to LIMS for notification, monitoring, and follow-up (\$20,000); modifications to APSIN (estimate based on from previous DNA projects) (\$27,000); modifications to new APSIN (web service enabled system) (\$27,000); and an addition of interfaces to legacy APSIN due to obsolescent technology (\$20,000).

In addition to the programming changes, the increase in samples will require additional personnel and resources at the crime lab. Calculating the increase is difficult, in part because APSIN includes only arrest data, not charge data, calculations based on arrest data may over-count DNA sample numbers (since not all persons who are arrested for AS 11 felonies will be charged with AS 11 felonies) and may under-count DNA sample numbers (since not all persons charged with AS 11 felonies are arrested, and some persons who are arrested for lesser offenses may face increases when charges are filed). With that caveat, it is estimated that the number of samples required monthly will increase by 140 (1680 per year). This number was obtained by calculating the unduplicated number of persons arrested for AS 11 felonies over a three year period and subtracting the number of persons who would have been required to submit samples anyway because they were ultimately convicted of qualifying convictions.

This increase of 1680 samples per year is approximately a 40% increase in the number of samples currently being received by the lab. This 40% increase will require additions to personnel and the resources of the lab including the increasing the DNA system (CODIS) administrator from half time to full time, adding a DNA Criminalist II/III (analyst), and increasing a Forensic Technician from half time to full time.

The increase in positions (total of 2) will require workspace, computers, phones, software licenses, etc. totaling \$8,700 per position per year. Lab equipment to accommodate the additional samples and the additional technicians will include an additional thermalcycler (\$8,000), an additional centrifuge (\$5,000), and additional secure on-site sample storage (\$10,000). Those items will not require additional maintenance agreements.

Additional DNA sample kits (buccal swab kits), which are provided by the lab and mailed to the sites where samples are collected (principally corrections and AST field offices) are \$3.00 per kit. An additional 2000 kits will be distributed per year at a cost of \$6,000 for kits, and \$270 for postage, which is based on an average cost of mailing (\$13.50 per 100 kits). More kits are distributed than are collected, due to spoilage, errors, distribution uncertainties, etc. The cost of supplies (e.g. reagents) per sample is \$20 per sample, for a total of \$33,600 for 1680 samples per year.