



Telephone 373-8080
Fax 373-5874

HOUSE FISCAL AGENCY

124 N. Capitol Avenue
4 – North, HOB Lansing, MI

SB389 SUBSTITUTE
Regenmorter
H-2

Sponsor Sen. William Van

Committee CRIMINAL JUSTICE

Analyst(s) Jen, Kyle
Peterson, Marilyn

Completed 6/12/01

State Fiscal Impact

Cost	Increase
Revenues	Increase

Local Fiscal Impact

Cost	Increase
Revenues	Increase

Senate Bills 389 (H-2), 393 (H-1), and 394 (H-1)--in conjunction with House Bills 4610 through 4611 and House Bill 4633 (all as passed by the House), to which the three Senate bills are tie-barred--would amend various statutes with regard to requirements to collect and maintain DNA samples for certain offenders. The requirements at present apply to convictions and juvenile adjudications for murder, attempted murder, kidnapping, and felony criminal sexual conduct. For adults, the requirements would be extended to apply to all felonies, plus a number of misdemeanors and ordinance violations. For juveniles, the requirements would be extended to apply to manslaughter (a felony) and certain misdemeanor and ordinance violations. Collection is required upon conviction, or, in the case of incarcerated offenders who had not previously been tested, prior to release from confinement.

The bills would increase costs to the Department of State Police for distribution of DNA collection kits and processing of samples for entry into the state's DNA database. The Department reports that it processes approximately 3,000 samples per year under current law and that processing costs (including the costs of distributing the kits) are about \$64 per sample. There is no information on how the total number of samples processed annually breaks down between newly-convicted adults, juveniles, and prisoners tested prior to release.

Offenses currently subject to DNA collection requirements constituted about five percent of all felony dispositions in Michigan in 1998. Because one offender may have more than one disposition, the actual number of offenders sentenced in 1998 is substantially lower than the numbers of dispositions. However, if one assumes the proportion of offenders subject to DNA collection is comparable to the proportion of dispositions to which the requirements applied, then 2,100 of the 38,000 felons sentenced in 1999 were subject to DNA sampling requirements under current law. Under the bills, the remaining 95 percent, or 36,100 additional newly-sentenced felons annually would be subject to DNA collection requirements.

This figure, however, accounts only for newly-sentenced felons; it does not include juvenile offenders and misdemeanor and ordinance violators who would be newly subject to the sampling requirements, nor does it include felons in state prisons and corrections camps who would have to provide DNA samples prior to community placement, parole, or discharge on the maximum term. There are no available statewide data on the numbers of these other offenders who would be newly-subject to DNA sampling requirements. However, roughly 10,000 prisoners are transferred to community placement or paroled from prison annually, with perhaps another 1,000 discharged on the maximum term. The proportion of these offenders who are subject to the current sampling requirement is undoubtedly low, because parole rates are low for offenders convicted of the offenses to which current law applies.

Assuming that samples would be required from an additional 47,000 felons annually, the bills would increase costs for the Department of State Police by approximately \$3.0 million annually for the felony portion of the caseload; there would be additional costs related to juveniles and misdemeanor and ordinance violators. Assuming that the bills substantially increased the volume of testing, they also could necessitate additional state police staffing and storage facilities and they could substantially increase collection costs for state and local authorities—including the Department of Corrections, the Family Independence Agency, and local law enforcement agencies and juvenile authorities.

The bills include provisions for a \$60 assessment to be paid by individuals required to submit a DNA sample. For newly-convicted adults, this assessment would be distributed to the funding unit of the court in which the conviction is made (10% of the amount paid; \$6 if the full \$60 is paid), the county sheriff or other law enforcement agency which collects the sample (25%; \$15), and the Forensic Science Division of the Department of State Police (65%; \$39). For juveniles and prisoners required to submit a sample upon release from a state or local facility, the entire assessment is to be paid to the Forensic Science Division of the Department of State Police.

The bills include a provision for the assessment to be waived if the affected individual is unable to pay it. Assuming the assessment were levied and collected in full (noting that often times such assessments are not collectible or encounter implementation difficulties), the bills would result in annual revenue of \$216,600 for court funding units, \$541,500 for county sheriffs or other local law enforcement agencies, and \$2.1 million for the Department of State Police for the felony portion of the caseload (based on the felony conviction and release figures above). Presumably, these entities would receive additional revenue for juveniles and misdemeanor and ordinance violators under the bills (again, with the collection and implementation caveats).

It is worth noting that the Department of State Police has recently received a federal grant of approximately \$750,000 to clear a backlog of 15,000 samples that have been collected under current statute. It is unclear whether (and how much) additional grant revenue might be available for this purpose in the future.

In addition, House Bill 4610 would make it a misdemeanor, punishable by imprisonment for up to one year and a fine of up to \$1,000, to refuse or resist DNA sampling. This provision could increase local correctional costs; to the extent that it increased collections of penal fines (which are constitutionally dedicated to local libraries), it would increase the amount of penal fine revenue going to local libraries.