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HOUSE FISCAL AGENCY

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SB389 AS PASSED BY THE SENATE
Regenmorter
S-1

Sponsor Sen. William Van

Committee CRIMINAL JUSTICE

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State Fiscal Impact

Cost	Increase
Revenues	None

Local Fiscal Impact

Cost	Increase
Revenues	None

Senate Bills 389 through 394 (all as passed by the Senate) 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: assault and battery, infliction of serious injury, domestic violence, breaking and entering, fourth-degree child abuse, enticing a child for immoral purposes, indecent exposure, and stalking. For juveniles, the requirements would be extended to apply to manslaughter. 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 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 \$3.0 million annually for the felony portion of the caseload; there would be additional costs related to juveniles and misdemeanor violators. Assuming that the bills substantially increased the volume of testing, they also could necessitate additional state police staffing 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.

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 will be available for this purpose in the future.