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HOUSE FISCAL AGENCY

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HB4609 H-1	SUBSTITUTE	Sponsor Committee	Rep. Virg Bernero CRIMINAL JUSTICE
HB4610 H-2	SUBSTITUTE	Sponsor Committee	Rep. Jennifer Faunce CRIMINAL JUSTICE
HB4611 H-1	SUBSTITUTE	Sponsor Committee	Rep. Larry Julian CRIMINAL JUSTICE
HB4612 H-1	SUBSTITUTE	Sponsor Committee	Rep. Michael Kowall CRIMINAL JUSTICE
HB4613 H-1	SUBSTITUTE	Sponsor Committee	Rep. Tom George CRIMINAL JUSTICE
HB4614 H-1	SUBSTITUTE	Sponsor Committee	Rep. Jerry O. Kooiman CRIMINAL JUSTICE
HB4633 H-1	SUBSTITUTE	Sponsor Committee	Rep. William J. O'Neil CRIMINAL JUSTICE
Analyst(s)	Jen, Kyle Peterson, Marilyn	Completed	5/9/01

State Fiscal Impact

Cost Increase
Revenues None

Local Fiscal Impact

Cost Increase
Revenues Indeterminate/Increase

House Bills 4609(H-1), 4610 (H-2), 4611 (H-1), 4612 (H-1), 4613 (H-1), 4614 (H-1), and 4633 (H-1) 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 including fourth-degree criminal sexual conduct, enticing a child for immoral purposes, indecent exposure, window peeping, and various prostitution-related offenses. For juveniles, the requirements would be extended to apply to assault with intent to commit murder, manslaughter, 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 36,000 to 46,000 felons annually, the bills would increase costs for the Department of State Police by \$2.3 to \$2.9 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 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.

In addition, HB 4610 would make it a misdemeanor, punishable by imprisonment by 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.