

CORRECTED FISCAL NOTE

HB 867 - SB 1196

March 12, 2007

SUMMARY OF BILL: Requires law enforcement to take DNA sample from any person arrested for a violent felony on or after July 1, 2007. Requires DNA samples to be stored by Tennessee Bureau of Investigation (TBI). Creates procedure for destroying DNA samples in cases in which there is a dismissal of charges or an acquittal.

ESTIMATED FISCAL IMPACT:

On March 5, 2007, we issued a fiscal note which indicated *an increase in state expenditures – not significant; increase local govt. expenditures – exceeds \$100,000 and other fiscal impact - By increasing the number of individuals from whom DNA evidence is collected, this bill may have the result of increasing convictions and the indirect impact of increasing state incarceration costs. This impact cannot reasonably be quantified because no reliable forecast of additional convictions can be made.* Based on the additional information provided to us by the TBI, the estimated fiscal impact of this bill is:

Increase Local Govt. Expenditures – Not Significant

Other Fiscal Impact – TBI received six new positions in FY06-07 to reduce an existing backlog in DNA analysis. Once this backlog has been eliminated, these positions can devote a portion of their time to analyzing new samples that will be collected under this bill. The number of positions available to analyze DNA samples determines the time required to analyze these samples. According to TBI, an additional five positions will be required under this bill to handle the additional workload within a reasonable time frame. The cost of these positions is \$1,023,300 recurring and \$282,800 one-time. If these new positions are not added, the legislation can still be implemented but the time required for analysis of samples will be longer.

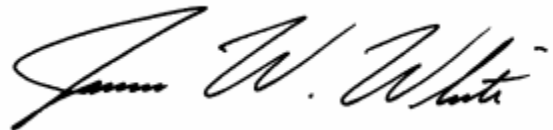
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Assumptions:

- Local law enforcement will see an increase in the number of DNA samples they will be required to take from persons arrested for these offenses.
- Local governments will use cotton swab kits provided by TBI to collect the required DNA samples. There will be no significant costs to TBI to provide the kits and no significant cost to local governments to collect the samples.
- Chapter 891 of the Public Acts of 2006 created six additional special agent/forensic scientist positions to perform DNA analysis in criminal investigations.
- According to TBI, the backlog for DNA analysis was 21 weeks in January and down to eight weeks in February.
- The additional positions sought by TBI will affect only the time required to conduct DNA analysis and not whether the samples can be collected and analyzed. Solicitation to commit aggravated assault, solicitation to commit sexual battery, conspiracy to commit sexual battery, facilitation of sexual battery and solicitation to commit aggravated statutory rape are the offenses impacted by the bill.

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "James W. White". The signature is written in a cursive style with a large initial "J" and "W".

James W. White, Executive Director