

Judicial Impact Fiscal Note

Bill Number: 1069 S HB PL	Title: DNA work product, preserving	Agency: 055-Admin Office of the Courts
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Part I: Estimates

☒ **No Fiscal Impact**

The revenue and expenditure estimates on this page represent the most likely fiscal impact. Responsibility for expenditures may be subject to the provisions of RCW 43.135.060.

Check applicable boxes and follow corresponding instructions:

- ☐ If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- ☐ If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- ☐ Capital budget impact, complete Part IV.

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OFM Review:	Phone:	Date:

Request # 1069 PL-1

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact on the Courts

This bill addresses DNA preservation. It would require governmental agencies to preserve any DNA work product collected in a felony case involving a violent or sex offense and require the DNA work products to be maintained throughout the length of the defendant's sentence or throughout the period of the statute of limitations for the crime in cases where no person has been convicted . It includes any period of community custody extending through final discharge. It also provides a definition for "DNA work product" and other definitions.

Section 1(4) addresses the issue of liability in a case where DNA work product is destroyed or no longer available by :

- Authorizing the courts to impose sanctions if it finds the DNA work product is intentionally destroyed by an entity; and
- In cases where the DNA work product is no longer available, prohibits the courts from setting aside a conviction or from ordering a reversal of a conviction based on the sole grounds that the DNA work product is no longer available .

Section 2 clarifies that nothing precludes a trial court from ordering the destruction of DNA contributed by a defendant who was charged and subsequently acquitted or whose conviction was overturned in connection with a violent or sex offense .

This bill is not expected to add additional work/expenditures for the Administrative Office of the Courts or the district and superior courts. It is assumed that DNA work products would rarely be destroyed intentionally and the court time to impose sanctions would be minimal.

II. B - Cash Receipts Impact

II. C - Expenditures

Part III: Expenditure Detail

Part IV: Capital Budget Impact