

Judicial Impact Fiscal Note

Bill Number: 6366 S SB	Title: DNA markers database	Agency: 055-Admin Office of the Courts
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

Account	FY 2016	FY 2017	2015-17	2017-19	2019-21
Washington Auto Theft Prevention Authority Account-State 11K-1		(356,000)	(356,000)	(712,000)	(712,000)
DNA Data Base Account-State 515-1		356,000	356,000	712,000	712,000
Counties					
Cities					
Total \$					

Estimated Expenditures from:

STATE	FY 2016	FY 2017	2015-17	2017-19	2019-21
State FTE Staff Years		8.0	4.0	8.0	8.0
Account					
General Fund-State 001-1		702,383	702,383	1,259,966	1,259,966
State Subtotal \$		702,383	702,383	1,259,966	1,259,966
COUNTY	FY 2016	FY 2017	2015-17	2017-19	2019-21
County FTE Staff Years					
Account					
Local - Counties					
Counties Subtotal \$					
CITY	FY 2016	FY 2017	2015-17	2017-19	2019-21
City FTE Staff Years					
Account					
Local - Cities					
Cities Subtotal \$					
Local Subtotal \$					
Total Estimated Expenditures \$		702,383	702,383	1,259,966	1,259,966

This bill was identified as a proposal governed by the requirements of RCW 43.135.031 (Initiative 960). A fiscal analysis was prepared to show the projected ten-year cost to tax or fee payers of the proposed taxes or fees. The ten-year projection can be viewed at

<http://www.ofm.wa.gov/tax/default.asp>

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.

Contact	Phone:	Date: 02/02/2016
Agency Preparation: Sam Knutson	Phone: 3607045528	Date: 02/11/2016
Agency Approval: Ramsey Radwan	Phone: 360-357-2406	Date: 02/11/2016
OFM Review:	Phone:	Date:

Request # 6366 SSB-1

Part II: Narrative Explanation

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

Please see attached Judicial Impact Note (JIN)

II. B - Cash Receipts Impact

II. C - Expenditures

Part III: Expenditure Detail

III. A - Expenditure By Object or Purpose (State)

<i>State</i>	FY 2016	FY 2017	2015-17	2017-19	2019-21
FTE Staff Years		8.0	4.0	8.0	8.0
Salaries and Wages		403,068	403,068	806,136	806,136
Employee Benefits		168,575	168,575	337,150	337,150
Professional Service Contracts					
Goods and Other Services		85,740	85,740	63,480	63,480
Travel		25,000	25,000	50,000	50,000
Capital Outlays		20,000	20,000	3,200	3,200
Inter Agency/Fund Transfers					
Grants, Benefits & Client Services					
Debt Service					
Interagency Reimbursements					
Intra-Agency Reimbursements					
Total \$		702,383	702,383	1,259,966	1,259,966

III. B - Expenditure By Object or Purpose (County)

<i>County</i>	FY 2016	FY 2017	2015-17	2017-19	2019-21
FTE Staff Years					
Salaries and Benefits					
Capital					
Other					
Total \$					

III. C - Expenditure By Object or Purpose (City)

<i>City</i>	FY 2016	FY 2017	2015-17	2017-19	2019-21
FTE Staff Years					
Salaries and Benefits					
Capital					
Other					
Total \$					

III. D - FTE Detail

Job Classification	Salary	FY 2016	FY 2017	2015-17	2017-19	2019-21
Administrative Assistant	63,480		1.0	0.5	1.0	1.0
Information Technology Specialist	82,878		3.0	1.5	3.0	3.0
Research Associate	86,916		2.0	1.0	2.0	2.0
Senior Court Analyst	86,916		1.0	0.5	1.0	1.0
Senior System Integrator	82,878		1.0	0.5	1.0	1.0
Total FTE's	403,068		8.0	4.0	8.0	8.0

Part IV: Capital Budget Impact



Ten-Year Analysis

Bill Number 6366 S SB	Title DNA markers database	Agency 055 Admin Office of the Courts
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This ten-year analysis is limited to agency estimated cash receipts associated with the proposed tax or fee increases. The Office of Financial Management ten-year projection can be found at <http://www.ofm.wa.gov/tax/default.asp>.

Estimates

No Cash Receipts

 Partially Indeterminate Cash Receipts

 Indeterminate Cash Receipts

Estimated Cash Receipts

Name of Tax or Fee	Acct Code	Fiscal Year 2016	Fiscal Year 2017	Fiscal Year 2018	Fiscal Year 2019	Fiscal Year 2020	Fiscal Year 2021	Fiscal Year 2022	Fiscal Year 2023	Fiscal Year 2024	Fiscal Year 2025	2016-25 TOTAL
Traffic Infraction Fee for DNA Database	515		356,000	356,000	356,000	356,000	356,000	356,000	356,000	356,000	356,000	3,204,000
Total			356,000	3,204,000								
Biennial Totals			356,000	712,000	3,204,000							

Agency Preparation: Sam Knutson	Phone: 3607045528	Date: 2/11/2016 4:54:54 pm
Agency Approval: Ramsey Radwan	Phone: 360-357-2406	Date: 2/11/2016 4:54:54 pm
OFM Review:	Phone:	Date:

Part II: Narrative Explanation

This bill would require that a DNA sample must be collected from all adults lawfully arrested for any crime against persons or residential burglary. The DNA sample would need to be collected at the time of booking, transfer, or if no sample has been collected before a person's first court appearance, before a person is released from custody. The DNA collection would need to be done by the sheriff or director of public safety of every county, and the chief of police of every city or town, and of every chief officer of other law enforcement agencies duly operating within the state.

The bill would require that a DNA sample must be destroyed if the person is not arraigned for a qualifying offense.

The bill would allow a person to request expungement of a DNA sample and records if the underlying conviction is reversed or dismissed.

This bill would reduce the ten dollar surcharge to nine dollars and fifty cents per infraction currently deposited into the Washington Auto Theft Prevention Authority Account. The bill would direct the fifty-cent fee to be deposited into the state DNA Database Account.

The bill would direct that courts would not be allowed to suspend the one-hundred dollar Crime Laboratory Analysis fee when an adult offender has been found guilty of violating any criminal statute.

This bill would require the Administrative Office of the Courts (AOC) to provide an annual report to the Governor and the Legislature, beginning January 1, 2018, on the status of the statewide DNA database.

This bill differs from SB 6366 as follows:

- Assault in the fourth degree is removed as a qualifying offense;
- DNA collections would begin in 2018 rather than 2017;
- DNA arrest would be done for adults arrested and booked into jail for a qualifying offense;
- Automatic expungement would be required to occur within 60 days rather than "immediately";
- Clarification would be made regarding who is responsible for the expungement at the different stages in the criminal process; and
- The fifty-cent traffic infraction fee would not be eligible for waiver or reduction.
- The Administrative Office of the Courts (AOC) would be responsible for the annual DNA reports instead of the Washington State Patrol (WSP) forensics lab.

Part II.A – Brief Description of what the Measure does that has fiscal impact on the Courts

This bill would amend RCW 46.63.110:

Section 9(7)(b) would reduce the ten dollar surcharge per infraction currently deposited into the Washington Auto Theft Prevention Account to nine dollars and fifty cents.

Section 9(7)(d) would direct the new fifty-cent fee per infraction to be deposited to the DNA Database Account.

This bill would amend RCW 43.43.690:

Section 10(1) would remove the courts ability to suspend or defer payment of the one hundred dollar Crime Laboratory Analysis fee when an adult offender has been found guilty of violating any criminal statute of the state.

Section 12 would require the AOC to provide an annual report to the Governor and the Legislature, beginning January 1, 2018, on the status of the statewide DNA database. The report would include:

- (1) Statistical analysis of the racial demographics of individuals arrested and those subsequently charged with crimes that require DNA collection at the time of arrest;
- (2) The number of DNA samples collected from individuals arrested and the number subsequently charged with crimes that require DNA collection at the time of arrest;
- (3) The sufficiency of protocols and procedures adopted to prevent the unlawful testing of DNA and ensure the expungement of DNA as required; and
- (4) A detailed analysis of the investigations aided by DNA profiles that includes:
 - (a) The number of matches;
 - (b) The number of matches that resulted in investigation of the person identified;
 - (c) The number of matches that resulted in formal charges;
 - (d) The number of matches that resulted in convictions;
 - (e) The number of matches that resulted in exonerations;
 - (f) The number of matches that resulted in convictions for persons not already incarcerated; and
 - (g) The prior offenses for which a person has been convicted where a match occurred.

II.B - Cash Receipt Impact

The current surcharge of \$10 per infraction imposed on a person found to have committed a traffic infraction, and forwarded to the Washington Auto Theft Prevention Authority Account, would be reduced to \$9.50. A new surcharge of \$0.50 would be imposed on every person found to have committed a traffic infraction, with revenues deposited in the state DNA Database Account.

In Fiscal Year 2013, there was approximately \$7.1 million from traffic infractions distributed to the Auto Theft Prevention Authority Account. Based on current revenue forecasts, the Administrative Office of the Courts (AOC) assumes that approximately \$356,000 per year would be distributed to the DNA Database Account. Please see Table I, below.

Table I – Estimated Revenue Distribution

Distribution of surcharge @ \$9.50 - Auto Theft Prevention Account	\$6,764,000
Distribution of surcharge @ \$0.50 – DNA Database Account	\$356,000
Total Estimated Revenue (annual)	\$7,120,000

The one-hundred dollar crime lab analysis fee assessed at conviction would not be allowed to be suspended or deferred by the courts. The AOC cannot predict potential additional revenue as it is unknown how many of these fees have been suspended or waived in the past.

II.C – Expenditures

Section 9 would require modifications to the law table and other system tables to accommodate the change of revenue distribution. This would be handled during routine law table and system maintenance.

Section 12 would require the AOC to provide an annual report to the Governor and the Legislature on the status of the statewide DNA database, providing specific statistical analysis. The first report would be due January 1, 2018.

NOTE: Clarification regarding specific implementation of Section 12(4) is required to fully provide a thorough analysis. Questions that need to be clarified:

Section 12(4) – What does a detailed analysis represent? What is the extent of analysis, review and scrutiny that is meant for every investigation?

Section 12(4)(e) – What is required to meet the exoneration criteria? For example, those persons convicted and later had charges dismissed because of DNA analysis?

Section 12(4)(f) – What is meant by matches that resulted in convictions where a match occurred?

Section 12(4)(g) – Clarification is needed for this criteria. Is this the criminal history of each person who was convicted and the case with the conviction had matching DNA?

The following assumptions were used to provide an estimate of costs to implement Section 12:

The AOC assumes that data would be provided to the AOC from the Washington Association of Sheriffs and Police Chiefs (WASPC), the Washington State Patrol (WSP), with a data exchange established between WASPC, WSP and the Administrative Office of the Courts Washington State Center for Court Research (AOC-WSCCR). This would include, but would not be limited to:

- number of matches;
- number of matches that resulted in investigation of the person identified;
- number of matches that resulted in formal charges;
- number of matches that resulted in convictions;
- number of matches that resulted in exonerations;
- number of matches that resulted in convictions for persons not already incarcerated;
- prior offenses for which a person has been convicted where a match occurred;
- arrest date(s);
- person-specific information;
- nature of arrest; and
- DNA collection information.

Data would be housed and utilized via the AOC Data Warehouse.

The AOC assumes data sharing agreements and appropriate data entry by partner agencies and law enforcement.

According to the US Bureau of Labor Statistics (2011 data), there are 260 law enforcement agencies in Washington. The AOC assumes a review schedule that would begin with a sample of small, mid-, and large-size agencies to gain experience in conducting reviews, then proceed

in a semi-random manner that favors review of large agencies. It is thought that all agencies could be reviewed over a two-year cycle.

Staffing Assumptions

Research

1.0 FTE Senior System Integrator. This position would coordinate/manage the data exchange from the WASPC and/or the WSP.

1.0 FTE Senior Research Associate with training and experience in forensic science to research protocols, identify essential elements, develop scoring criteria, and manage assessment of protocols.

1.0 FTE Senior Research Associate with training and experience in forensic science to conduct site visits to assess protocols and procedures in practice.

1.0 FTE Administrative Assistant to provide administrative and program business support.

It is assumed that the research positions would require substantial expenses for transportation and per diem as the AOC assumes there would be extensive field work, site visits, and coordination with law enforcement agencies statewide.

Court Coordination

1.0 FTE Senior Court Analyst with training and experience in court administration, operation, protocols and procedures. This position would provide a liaison with courts, law enforcement, and research regarding data collection, data analysis, policy and operational aspects and issues.

Information Technology

3.0 FTE Information Technology Specialists to provide support including, but not limited to: performance of data matching, statistical analysis, reporting, development, database and data warehouse management, and technical coordination with other agencies and law enforcement.

All positions would require office space, standard office supplies, telephone, and personal computer equipment.

III.A - Expenditures by Object or Purpose

	FY 2016	FY 2017	2015-17	2017-19	2019-21
FTE - Staff Years		8.0	4.0	8.0	8.0
A - Salaries & Wages		403,068	403,068	806,136	806,136
B - Employee Benefits		168,575	168,575	337,150	337,150
C - Professional Service Contracts			-		
E - Goods & Services		85,740	85,740	63,480	63,480
G - Travel		25,000	25,000	50,000	50,000
J - Capital Outlays		20,000	20,000	3,200	3,200
P- Debt Service			-		
Total	-	702,383	702,383	1,259,966	1,259,966

III.B Detail

Job Classification	Salary	FY 2016	FY 2017	2015-17	2017-19	2019-21
Senior System Integrator (66/L)	82,878		1.0	0.5	1.0	1.0
Research Associate (68/L)	86,916		2.0	1.0	2.0	2.0
Administrative Assistant (55/L)	63,480		1.0	0.5	1.0	1.0
Information Tech Specialist (66/L)	82,878		3.0	1.5	3.0	3.0
Senior Court Analyst (68/L)	86,916		1.0	0.5	1.0	1.0
Total FTEs	403,068	-	8.0	4.0	8.0	8.0

Part IV: Capital Budget Impact

None.

Part V: New Rule Making Required

None.