

Judicial Impact Fiscal Note

Bill Number: 1111 HB	Title: DNA biological samples	Agency: 055-Administrative Office of the Courts
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

Account	FY 2018	FY 2019	2017-19	2019-21	2021-23
Counties					
Cities					
Total \$					

Estimated Expenditures from:

Non-zero but indeterminate cost. Please see discussion.

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 # 1111 HB-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

Part IV: Capital Budget Impact

Part II: Narrative Explanation

This bill would require DNA collection from offenders upon conviction for indecent exposure.

The bill would require a court, at an arraignment or bail hearing, to order a defendant to submit to a biological sample for DNA testing if that person is charged with any offense and has a prior conviction for a violent offense.

The bill would expand the crime of Refusal to Provide a DNA sample to any person lawfully required to provide a sample, instead of only persons required to register as sex or kidnapping offenders.

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

Section 2(1)(I) – Would amend RCW 43.43.754 to add indecent exposure to the list of crimes requiring a DNA sample upon conviction.

Section 2(1)(J)(b) – At an arraignment or bail hearing, the court shall order any person charged with any offense who has previously been convicted of a violent offense defined in RCW 9.94A.030, regardless of the date of conviction, to submit a biological DNA sample.

Section 2(3) – Would require the court, immediately upon sentencing, to order a person convicted of crimes listed under RCW 43.43.754 to report to the local police or sheriff's office to provide a biological sample. The court would be required to establish a status hearing to take place within fourteen days to ensure the convicted offender has complied with the court order. If the court receives notification that the offender has complied, the court order may be cancelled.

II.B - Cash Receipt Impact

No cash receipt impact.

II.C – Expenditures

Indeterminate, but possible significant court impact.

This bill would require that persons convicted of indecent exposure would be required to submit a DNA sample. Courts would be required to order a defendant, at an arraignment or bail hearing, to submit a biological sample if that person is charged with any offense and he or she has previously been convicted of a violent felony offense. The crime of refusal to provide DNA is expanded to include any person who willfully refuses to comply with a legal request for a DNA sample.

The number of convictions for indecent exposure is minimal, resulting in minimal additional impact to the courts.

The requirement for a new status hearing for a person charged with any offense who has been previously convicted of a violent offense could be very time consuming and burdensome to a court at time of arraignment due to the number of arraignments that could result. It would be difficult for a court to know if the person had complied previously to an order requiring a DNA sample, so orders could be redundant as well as time-consuming. A defendant may not know when, where, or if they had already provided a DNA sample. This would require a person to provide another sample, which may not be needed, causing additional court time as well as additional work for police departments, the Washington State Patrol, and jails.