

JUDICIAL IMPACT FISCAL NOTE

Bill Number: 1111 SHB	Title: DNA Biological Samples	Agency: 055 – Admin Office of the Courts (AOC)
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

	FY 2018	FY 2019	2017-19	2019-21	2021-23
Total:					

Estimated Expenditures from:

STATE	FY 2018	FY 2019	2017-19	2019-21	2021-23
FTE – Staff Years					
Account	INDETERMINATE				
General Fund – State (001-1)					
State Subtotal					
COUNTY					
County FTE Staff Years					
Account					
Local - Counties					
Counties Subtotal					
CITY					
City FTE Staff Years					
Account					
Local – Cities					
Cities Subtotal					
Local Subtotal					
Total Estimated Expenditures:					

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.

Legislative Contact:	Phone:	Date:
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Agency Approval: Ramsey Radwan	Phone: 360-357-2406	Date:
OFM Review:	Phone:	Date:

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(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.

NOTE: this substitute bill differs from the previous version by removing the provision that would have required the courts, following an arraignment or bail hearing, to order a person charged with any offense to submit a biological sample for DNA analysis when that person had a previous conviction for a violent offense.

II.B - Cash Receipt Impact

No cash receipt impact.

II.C – Expenditures

Indeterminate, but possible significant court impact.

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.