

Fiscal Note

BILL # SB 1475

TITLE: ~~DNA identification database; requirements S/E:~~
TPS - requirements; DNA identification database

SPONSOR: Livingston

STATUS: As Amended by Senate TPS

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Description

The bill would require the Department of Public Safety (DPS) to establish and maintain a database for Deoxyribonucleic Acid (DNA) samples collected from sexual assault kits. The bill would also require all collecting agencies to analyze DNA samples from sexual assault kits using Rapid DNA Identification, which must use a Rapid DNA instrument that has been certified by the Federal Bureau of Investigation (FBI).

Estimated Impact

The JLBC Staff estimates that the bill will increase annual DPS costs by \$1.5 million. The bill would result in hiring 7 new employees for the department who will be responsible for administering the new database and providing Rapid DNA Identification training standards. In addition, a member of the new staff would perform the functions of the ombudsman required by the bill. The cost could be borne by either the DPS Forensics Fund or the General Fund.

DPS estimates the impact of the bill to be \$2.3 million in annual costs for the department. The difference in estimates is accounted for in assumptions about how many sexual assault kits will be analyzed in future years. DPS assumes an analysis of 3,300 sexual assault kits, which is the 2017 sexual assault caseload as found in the FBI's Uniform Crime Report. The JLBC Staff assumes the caseload found in the FY 2018 DPS Annual Report of Sexual Assault Kits.

Analysis

Currently, there are 7 accredited crime labs that perform forensic science analysis: DPS Northern Regional Crime Lab, DPS Central Regional Crime Lab, DPS Southern Regional Crime Lab, Phoenix Police Crime Lab, Tucson Police Crime Lab, Mesa Police Crime Lab, and the Scottsdale Police Crime Lab. However, all sexual assault kit analysis is sent to DPS before being entered into the FBI's Combined DNA Index System (CODIS). Because DPS already handles each sexual assault kit in the state at some point in the testing process, the department plans to establish and administer the Rapid DNA Identification program centrally. The bill would require DPS to test and analyze all sexual assault kits using Rapid DNA Identification. This analysis assumes the Rapid DNA testing of the kits would be in addition to the current form of DNA testing. This assumption is based on technical feedback from DPS crime lab personnel, who indicated that existing DNA testing would still occur as Rapid DNA testing is currently not certified by the FBI for any crime scene analysis.

In FY 2018, state and local law enforcement conducted 1,716 tests of sexual assault kits. Assuming each Rapid DNA analysis would cost approximately \$500 per sexual assault kit, which includes the cost of leasing the new equipment, this would result in an approximate cost of \$858,000 for sexual assault kit analysis. In addition, the department would incur a cost to modify existing sexual assault kit collection in order to preserve material for the new Rapid DNA test, at a price of \$10 per sexual assault kit or \$17,160.

DPS would be required to establish and maintain a database which will retain DNA identification that is collected from sexual assault kits. Current statute requires that the state and municipalities maintain databases where DNA profiles from kits are stored (A.R.S. § 13-1426). Because DNA information from criminal investigations is currently shared among

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federal, state and local law enforcement electronically, DPS does not estimate any additional development costs. The department does, however, anticipate additional staffing costs associated with the database requirement.

In addition, the department would also be responsible for administering the new Rapid DNA Identification program and developing procedures under which the DNA samples are analyzed. DPS would also be required to publish standards and procedures for the collection and processing of DNA from the sexual assault kits.

In order to handle the increased workload, the department would hire 3 Laboratory Technicians, 3 Forensic Scientists, and 1 Supervising Forensic Scientist. The combined salary and ERE costs for these positions would total approximately \$600,000. The Supervising Forensic Scientist position would take on the responsibilities of the ombudsman as required in the bill.

As stated previously, the estimated annual costs could be borne by the DPS Forensics Fund. The DPS Forensics Fund receives its revenue from court assessments and other fines, violations, and forfeitures imposed by the courts for criminal offenses. The fund expends 55% of the fund on purchasing and operating fingerprint identification equipment, crime laboratory operations, educating and training forensic scientists, maintaining scientific equipment for crime lab use, and operating and maintaining the Arizona DNA Identification System. The remaining 45% of expenditures go toward the Phoenix, Tucson, Mesa, and Scottsdale Police Departments which are the only local entities in the state that have accredited crime labs. The DPS Forensics Fund currently has an approximate structural balance of \$1 million.

Local Government Impact

The JLBC Staff estimates there will be no local government impact, as DPS plans to establish and administer the Rapid DNA identification program centrally.

The City of Phoenix estimates \$1.4 million in annual costs for the city. Phoenix is estimating 912 sexual assault kits per year with an average Rapid DNA test cost of \$1,523 per kit, which includes the cost of equipment.

The City of Mesa estimates \$230,000 in annual costs for the city. Mesa is estimating 155 sexual assault kit tests per year with an average Rapid DNA test cost of \$1,484 per kit.

The testing cost per kit for both the Phoenix and Mesa estimates are significantly higher than the DPS estimate. The Phoenix and Mesa estimated impacts would only occur if local governments were to implement Rapid DNA sexual assault kit testing under this bill rather than DPS handling Rapid DNA testing centrally.