

# Fiscal Note

**BILL #** HB 2102

**TITLE:** ~~survival of action; deceased sheriff~~ S/E Subject: DNA collection; felony arrests; expungement

**SPONSOR:** Griffin

**STATUS:** As Amended by Senate JUD

**PREPARED BY:** Jordan Johnston

## Description

The bill requires any person who is arrested for a felony offense, rather than specific felony offenses, to submit a DNA sample to the appropriate law enforcement agency. The bill further requires the agency that collects the DNA sample to provide instructions on the expungement process. Upon meeting certain requirements, individuals arrested for crimes may go through a process to expunge their DNA records from the DNA identification system.

## Estimated Impact

Based on information provided by the Department of Public Safety (DPS), we estimate the bill will increase DPS crime lab costs by approximately \$1.1 million annually starting in FY 2023, assuming an additional 15,700 samples are analyzed each year under the bill.

## Analysis

Current law requires that DNA samples must be collected from all persons convicted of any felony crime. Current law further dictates that DNA samples must be collected from persons arrested for the following: 1) homicide, 2) certain sexual offenses, 3) first and second degree burglary, 4) serious offense crimes, and 5) certain misdemeanor crimes. The appropriate agency must collect a sample of blood or other bodily substances for DNA testing.

Any arrestee and conviction DNA samples collected by local law enforcement, the Department of Juvenile Corrections, and the Department of Corrections are transmitted to the DPS crime lab. DPS is required to conduct and oversee the analysis of the DNA samples, make and maintain a report of the results of the DNA analysis, and maintain the DNA samples for at least 35 years.

The bill would require that a person arrested for any felony offense, rather than just the previously outlined offenses, submit a DNA sample to DPS. Based on information provided by DPS, we estimate that DPS' cost to analyze a single DNA sample is about \$71. The department further estimated that the bill would require an additional 15,700 samples be collected each year from the expanded arrestee collections. At a cost of \$71 to analyze a DNA sample, the department estimates it would increase their crime lab costs by \$1.1 million to analyze the additional 15,700 samples.

## Local Government Impact

DPS currently provides each law enforcement agency a DNA collection kit to collect the DNA samples for arrestees and convicted felons. Local law enforcement will be required to collect additional DNA samples using DPS kits and provide instructions on the expungement process, but we estimate these costs to be minimal.

4/8/22

