

Multiple Agency Fiscal Note Summary

| | |
|-----------------------------|---------------------------------------|
| Bill Number: 1138 HB | Title: Offender DNA collection |
|-----------------------------|---------------------------------------|

Estimated Cash Receipts

| Agency Name | 2017-19 | | 2019-21 | | 2021-23 | |
|-------------------------------------|-----------|----------------|-----------|----------------|-----------|----------------|
| | GF- State | Total | GF- State | Total | GF- State | Total |
| Administrative Office of the Courts | 0 | 703,864 | 0 | 703,864 | 0 | 703,864 |
| Total \$ | 0 | 703,864 | 0 | 703,864 | 0 | 703,864 |

| | | | | | | |
|---------------------|--|---------|--|---------|--|---------|
| Local Gov. Courts * | | 703,864 | | 703,864 | | 703,864 |
| Loc School dist-SPI | | | | | | |
| Local Gov. Other ** | | | | | | |
| Local Gov. Total | | | | | | |

Estimated Expenditures

| Agency Name | 2017-19 | | | 2019-21 | | | 2021-23 | | |
|-------------------------------------|-------------|-----------------|---------------------|-------------|------------|---------------------|-------------|------------|---------------------|
| | FTEs | GF-State | Total | FTEs | GF-State | Total | FTEs | GF-State | Total |
| Administrative Office of the Courts | .0 | 39,750 | 39,750 | .0 | 0 | 0 | .0 | 0 | 0 |
| Washington State Patrol | 18.0 | 0 | 10,744,000 | 18.0 | 0 | 10,580,000 | 18.0 | 0 | 10,580,000 |
| Total | 18.0 | \$39,750 | \$10,783,750 | 18.0 | \$0 | \$10,580,000 | 18.0 | \$0 | \$10,580,000 |

| | | | | | | | | | |
|---------------------|--|--|-----------|--|--|-----------|--|--|-----------|
| Local Gov. Courts * | | | | | | | | | |
| Loc School dist-SPI | | | | | | | | | |
| Local Gov. Other ** | | | 1,721,456 | | | 1,721,456 | | | 1,721,456 |
| Local Gov. Total | | | 1,721,456 | | | 1,721,456 | | | 1,721,456 |

Estimated Capital Budget Impact

NONE

| | |
|-------------------------|--|
| Washington State Patrol | Non-zero but indeterminate cost and/or savings. Please see discussion. |
|-------------------------|--|

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>

| | | |
|-------------------------------------|---------------------------------|---|
| Prepared by: Kathy Cody, OFM | Phone: (360) 902-9822 | Date Published: Final 2/ 3/2017 |
|-------------------------------------|---------------------------------|---|

* See Office of the Administrator for the Courts judicial fiscal note

** See local government fiscal note

FNPID: 45688

FNS029 Multi Agency rollup

Judicial Impact Fiscal Note

| | | |
|-----------------------------|---------------------------------------|--|
| Bill Number: 1138 HB | Title: Offender DNA collection | Agency: 055-Administrative Office of the Courts |
|-----------------------------|---------------------------------------|--|

Part I: Estimates

☐ No Fiscal Impact

Estimated Cash Receipts to:

| Account | | FY 2018 | FY 2019 | 2017-19 | 2019-21 | 2021-23 |
|-----------------------------------|--|---------|---------|-----------|-----------|-----------|
| DNA Data Base Account-State 515-1 | | 351,932 | 351,932 | 703,864 | 703,864 | 703,864 |
| Counties | | | | | | |
| Cities | | 351,932 | 351,932 | 703,864 | 703,864 | 703,864 |
| Total \$ | | 703,864 | 703,864 | 1,407,728 | 1,407,728 | 1,407,728 |

Estimated Expenditures from:

| STATE | FY 2018 | FY 2019 | 2017-19 | 2019-21 | 2021-23 |
|---------------------------------|---------|---------|---------|---------|---------|
| State FTE Staff Years | | | | | |
| Account | | | | | |
| General Fund-State 001-1 | 39,750 | | 39,750 | | |
| State Subtotal \$ | 39,750 | | 39,750 | | |
| COUNTY | FY 2018 | FY 2019 | 2017-19 | 2019-21 | 2021-23 |
| County FTE Staff Years | | | | | |
| Account | | | | | |
| Local - Counties | | | | | |
| Counties Subtotal \$ | | | | | |
| CITY | FY 2018 | FY 2019 | 2017-19 | 2019-21 | 2021-23 |
| City FTE Staff Years | | | | | |
| Account | | | | | |
| Local - Cities | | | | | |
| Cities Subtotal \$ | | | | | |
| Local Subtotal \$ | | | | | |
| Total Estimated Expenditures \$ | 39,750 | | 39,750 | | |

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: 01/11/2017 |
| Agency Preparation: Sam Knutson | Phone: 360-704-5528 | Date: 01/24/2017 |
| Agency Approval: Sam Knutson | Phone: 360-704-5528 | Date: 01/24/2017 |
| OFM Review: Gwen Stamey | Phone: (360) 902-9810 | Date: 01/24/2017 |

Request # 1138 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

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

| <i>State</i> | FY 2018 | FY 2019 | 2017-19 | 2019-21 | 2021-23 |
|------------------------------------|---------|---------|---------|---------|---------|
| FTE Staff Years | | | | | |
| | | | | | |
| Salaries and Wages | 27,825 | | 27,825 | | |
| Employee Benefits | 11,925 | | 11,925 | | |
| Professional Service Contracts | | | | | |
| Goods and Other Services | | | | | |
| Travel | | | | | |
| Capital Outlays | | | | | |
| Inter Agency/Fund Transfers | | | | | |
| Grants, Benefits & Client Services | | | | | |
| Debt Service | | | | | |
| Interagency Reimbursements | | | | | |
| Intra-Agency Reimbursements | | | | | |
| Total \$ | 39,750 | | 39,750 | | |

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

| <i>County</i> | FY 2018 | FY 2019 | 2017-19 | 2019-21 | 2021-23 |
|-----------------------|---------|---------|---------|---------|---------|
| FTE Staff Years | | | | | |
| Salaries and Benefits | | | | | |
| Capital | | | | | |
| Other | | | | | |
| | | | | | |
| Total \$ | | | | | |

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

| <i>City</i> | FY 2018 | FY 2019 | 2017-19 | 2019-21 | 2021-23 |
|-----------------------|---------|---------|---------|---------|---------|
| FTE Staff Years | | | | | |
| Salaries and Benefits | | | | | |
| Capital | | | | | |
| Other | | | | | |
| | | | | | |
| Total \$ | | | | | |

Part IV: Capital Budget Impact

Part II: Narrative Explanation

This bill would amend RCW 43.43.753, adding DNA collection from adults charged for any criminal offense or arrested for any criminal offense when there has been a judicial determination of probable cause.

The bill would allow a person to request expungement of a person's DNA sample and DNA records from the DNA identification system under certain circumstances.

The bill would amend RCW 46.63.110 to authorize an additional fee of two dollars per infraction; one dollar from each fee assessed must be forwarded to the State Treasurer for deposit to the state DNA Database Account, and one dollar would be retained by the collecting jurisdiction to offset administrative costs.

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

Section 2 – Would amend RCW 43.43.753, adding DNA collection from adults charged for any criminal offense or arrested for any criminal offense when there has been a judicial determination of probable cause.

Section 6(7)(d) – Would amend RCW 46.63.110 to authorize a fee of two dollars per infraction. One dollar of the revenue from each fee assessed must be forwarded to the State Treasurer for deposit in the state DNA Database Account, and one dollar must be retained by the collecting jurisdiction to offset administrative costs.

Section 7 – Would amend RCW 43.43.690, that a court may not suspend, reduce, or defer payment of the existing \$100 crime laboratory fee for each offense for which a person is convicted of violating any criminal statute.

II.B - Cash Receipt Impact

This bill would amend RCW 46.63.110 to authorize a fee of two dollars per infraction. One dollar of each fee assessed would be forwarded to the State Treasurer for deposit into the State DNA Database Account, and one dollar would be retained by the local collecting jurisdiction to offset administrative costs.

Court of Limited Jurisdiction (CLJ) traffic infraction caseloads for were reviewed to determine estimated revenue resulting from this bill. In 2015, there were 810,635 traffic infractions, 351,932 were paid, resulting in a collection rate of 43.4 percent.

For purposes of this Judicial Impact Note (JIN), a 43.4 percent collection rate is applied to the number of infractions recorded in 2015. See Table I, below.

Table I – Estimated Revenue, New DNA Database Fee

| 2015 Infractions * | Collection Rate | Infractions @ Collection Rate | DNA Database Fee | Estimated Total Revenue |
|-----------------------|--------------------|----------------------------------|---------------------|----------------------------|
| 810,635 | 43.4% | 351,932 | \$2.00 | \$703,864 |

DNA Database Account
Local Jurisdictions (retained)
Total estimated annual revenue

| |
|-----------|
| \$351,932 |
| \$351,932 |
| \$703,864 |

* Source: Caseloads of the Courts of Washington

<http://www.courts.wa.gov/caseload/?fa=caseload.showReport&level=d&freq=a&tab=&fileID=rpt04>

For purposes of this JIN, it is assumed that caseloads and collection rate will remain the same through the forecast horizon.

II.C – Expenditures

This bill would require the collection of DNA from adults charged for a criminal offense or arrested for a criminal offense when there has been a judicial determination of probable cause. If the person is not detained the judge must make a collection of a DNA sample a condition of release. The bill would allow a person to request expungement of the person's DNA sample and DNA records from the DNA identification system under certain circumstances.

This bill would require major revision of the Judicial Information System (JIS), and would require significant changes to court user manuals, customer support (eService), court education, forms, and law tables. New accounting cost fee codes (CFC's), at least 25 new BARS codes, and over 1,800 law table updates.

These modifications are estimated to take approximately 750 hours of AOC staff time which equates to a one-time cost of \$39,750. It is important to note that the passage of several bills requiring JIS modifications would have a cumulative impact and could exceed current resources.

Part III: Expenditure Detail

| Cost Category | Tasks | Estimated Hours | Cost |
|----------------------------|--|-----------------|-----------------|
| Court Education Services | Manual updates, eService answers, judicial education | 100 | \$5,300 |
| JIS Maintenance | CFC's, BARS codes, Law Table updates | 400 | \$21,200 |
| Business Analysts | Business requirements, release notes, communications | 40 | \$2,210 |
| JIS Accounting | Requirements, new coding | 50 | \$2,650 |
| Customer Services (Line 2) | Customer Services response | 160 | \$8,480 |
| Total | | 750 | \$39,750 |

III.A – Expenditures by Object or Purpose

| | FY 2018 | FY 2019 | 2017-19 | 2019-21 | 2021-23 |
|-----------------------------|----------------|----------------|----------------|----------------|----------------|
| FTE – Staff Years | 27,825 | | 27,825 | | |
| A – Salaries & Wages | 11,925 | | 11,925 | | |
| B – Employee Benefits | | | | | |
| C – Prof. Service Contracts | | | | | |
| E – Goods and Services | | | | | |
| G – Travel | | | | | |
| J – Capital Outlays | | | | | |
| P – Debt Service | | | | | |
| Total: | 39,750 | | 39,750 | | |

III.B – Detail:

| Job Classification | Salary | FY 2018 | FY 2019 | 2017-19 | 2019-21 | 2021-23 |
|---------------------------|---------------|----------------|----------------|----------------|----------------|----------------|
| | | | | | | |
| | | | | | | |
| Total FTE's | | | | | | |

Part IV: Capital Budget Impact

None.

Part V: New Rule Making Required

None.

Individual State Agency Fiscal Note

| | | |
|-----------------------------|---------------------------------------|--|
| Bill Number: 1138 HB | Title: Offender DNA collection | Agency: 225-Washington State Patrol |
|-----------------------------|---------------------------------------|--|

Part I: Estimates

☐ No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Expenditures from:

| | FY 2018 | FY 2019 | 2017-19 | 2019-21 | 2021-23 |
|--|-----------|-----------|------------|------------|------------|
| FTE Staff Years | 18.0 | 18.0 | 18.0 | 18.0 | 18.0 |
| Account | | | | | |
| DNA Data Base Account-Non-Appropriated 515-6 | 5,454,000 | 5,290,000 | 10,744,000 | 10,580,000 | 10,580,000 |
| Total \$ | 5,454,000 | 5,290,000 | 10,744,000 | 10,580,000 | 10,580,000 |

Estimated Capital Budget Impact:

Non-zero but indeterminate cost. Please see discussion.

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 cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.

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.
- ☒ Requires new rule making, complete Part V.

| | | |
|------------------------------------|-----------------------|------------------|
| Legislative Contact: | Phone: | Date: 01/11/2017 |
| Agency Preparation: Yvonne Stevens | Phone: 360-596-4042 | Date: 01/20/2017 |
| Agency Approval: Mary Thygesen | Phone: 360 596-4046 | Date: 01/20/2017 |
| OFM Review: Kathy Cody | Phone: (360) 902-9822 | Date: 01/20/2017 |

Part II: Narrative Explanation

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

Briefly describe by section number, the significant provisions of the bill, and any related workload or policy assumptions, that have revenue or expenditure impact on the responding agency.

Under current law, a DNA sample is required to be collected from every adult or juvenile individual convicted of a felony or other crime as specified in RCW 43.43.754 in addition to sex and kidnapping registrants. Section 2 of the proposed legislation will change this requirement to include all adults charged for any criminal offense or arrested for a criminal offense when there has been a judicial determination of probable cause.

Section 3 identifies the entities responsible for obtaining the biological samples under various conditions, however, the proposed legislation does not require these entities to verify if the subject has been previously convicted of a qualifying offense, which could result in duplicate submissions and increased costs associated with verifying duplicate submissions. If these costs prove significant the Washington State Patrol (WSP) will seek additional funding through the budgetary process to cover them.

Section 3(3)(d) requires the entity collecting a biological sample to provide the person with a notice of rights to expungement and destruction.

Section 3(4) requires the Forensic Laboratory Services Bureau to analyze any biological sample taken in compliance with legislation unless a complete DNA profile for the person has previously been entered into the DNA database.

Section 4 provides for the right of an individual to request expungement of their sample and DNA records from the DNA Identification system of persons required to provide a sample under RCW 43.43.754(1)(c) if they are not charged with an offense based on the arrest within one year of the arrest; they are found not guilty, acquitted, or the charges are dismissed for the offense requiring the collection of the biological sample; or the underlying conviction or adjudication requiring collection of a biological sample under RCW 43.43.754 has been reversed and the case dismissed. Upon receipt of such a request, the Forensic Laboratory Services Bureau must give priority to testing the persons sample if it has not previously been tested. After testing, the sample must be expunged unless the person has a prior conviction or a pending charge for which the collection of a sample is authorized. This section also requires the Forensic Laboratory Services Bureau to provide information regarding the rights of expungement and destruction as well as procedures for requesting expungement on the WSP's official website.

Section 5 requires that notice of the rights of expungement and destruction be provided at the time a biological sample is taken to all adults that have either been charged with a criminal offense or arrested for a criminal offense and a judicial determination of probable cause has been made.

It is assumed that if this legislation is enacted, the WSP will begin complying with these requirements on July 1, 2017.

II. B - Cash receipts Impact

Briefly describe and quantify the cash receipts impact of the legislation on the responding agency, identifying the cash receipts provisions by section number and when appropriate the detail of the revenue sources. Briefly describe the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explain how workload assumptions translate into estimates. Distinguish between one time and ongoing functions.

Section 6 (7)(d) adds a \$2 per traffic infraction fee and directs that \$1 of the fee is to be deposited into the DNA Database Account. The Administrative Office of the Courts (AOC) will estimate the revenue impact to the Washington Auto Theft Prevention Authority Account and the DNA Database Account in its fiscal note.

Section 7 removes the ability of the court to suspend or defer payment of the \$100 Crime Laboratory Analysis fee. This fee is deposited into the state general fund (five dollars may be retained by the clerk of the court to defray the costs of collecting the fee) to be used only for crime laboratories. The AOC will estimate the revenue impact to the general fund in its fiscal note.

II. C - Expenditures

Briefly describe the agency expenditures necessary to implement this legislation (or savings resulting from this legislation), identifying by section number the provisions of the legislation that result in the expenditures (or savings). Briefly describe the factual basis of the assumptions and the method by which the expenditure impact is derived. Explain how workload assumptions translate into cost estimates. Distinguish between one time and ongoing functions.

The data below shows the history of the number of all adults that have either been charged with a criminal offense or arrested for a criminal offense and a judicial determination of probable cause has been made. There is no way to identify when there has been a judicial determination of probable cause.

| Year | Arrestees | Arrestees without prior DNA CODIS Sample | Plus 15% duplicates |
|------|-----------|--|---------------------|
| 2013 | 129,273 | 76,275 | 87,716 |
| 2014 | 124,815 | 74,978 | 86,225 |
| 2015 | 121,569 | 74,684 | 85,887 |
| 2016 | 118,607 | 76,474 | 87,945 |

* Data is from WSP’s Criminal History Database (W2) as of 1/13/2017

Based on the above data, the number who do not have a prior DNA CODIS sample for the past two years would be 151,158 (74,684 + 76,474 = 151,158). Based upon information we have been able to obtain regarding the rate of probable cause determinations for arrests, we assume that ninety percent of that number will ultimately have a judicial determination of probable cause (151,158 X 0.9 = 136,042). That number is being used to develop the cost estimate for a biennium. If the actual numbers are significantly higher, the actual costs to the WSP will be higher than shown in this fiscal note and we will seek additional funding through the budget process.

The CODIS Laboratory currently consists of the CODIS Administrator, one Forensic Scientist 4 FTE, two Forensic Scientist 3 FTEs, two Forensic Scientist 1 FTEs (in training) and a 0.5 Office Assistant 3 FTE. With current levels of staffing, the CODIS Laboratory is able to process approximately 1,000 samples per month while receiving approximately the same number of new samples per month. There is also a current backlog of approximately 2,000 samples, which results in most new samples being processed and entered into the CODIS database approximately two months after receipt by the lab. The increased casework associated with this legislation would require an increase in staffing and supplies as shown below. The staffing increases required to comply with this proposed legislation will exceed the current available space in the CODIS Laboratory, and will require additional leased space. Based on the current lease with the city of Seattle, we estimate the cost of the additional space would be approximately \$94 per square foot, and that the laboratory would lease an additional 2,737 square foot space that is currently vacant.

Estimated ongoing biennial costs are as follows:

- 95% X 136,042 X \$24.09/sample* for automated testing = \$3,113,394
- 5% X 136,042 X \$48.05/sample* for manual testing = \$326,841
- 15% X 136,042 X \$4.40/collection kit for duplicates that are collected but not tested = \$89,788
- 5% X 136,042 X \$24.09/sample* for quality control = \$163,863
- Twelve - Forensic Scientist 3 = \$2,790,120
- Three - Laboratory Technician 2 = \$507,040
- Two - Forensic Scientist 5 = \$513,620
- One - Office Assistant 3 = \$131,420

- Rent for additional lab space = \$514,556
 - Agency Indirect Costs = \$2,429,358
- Total Estimated Ongoing** Costs for a Biennium = \$10,580,000

*Cost of \$4.40 per sample for collection kits is included in this cost.

**FY2018 costs include onetime costs associated with the establishment of new positions including initial enterprise agreement and workstation costs.

Assumptions:

- 1) Automated testing is conducted on 95% of the samples. Approximately 5% of samples will not produce a usable profile using the automated process and must have further manual testing conducted.
- 2) Costs per sample are calculated based on the cost of reagents, consumable supplies, DNA Collection Kits, and forensic scientist analysis/review time.
- 3) The current rate for duplicate submissions of samples is 15%. If the duplicate rate increases significantly the Washington State Patrol will seek additional funding through the budgetary process.
- 4) 5% of the samples will be rechecked for quality control purposes.
- 5) The increased staffing needs shown assume that the WSP's responsibility for the expungement process is limited to requests submitted by individuals who meet the requirements of expungement and submit a request as outlined in Section 4 of the proposed legislation.

We also expect one-time costs related to the required rulemaking. This would consist of approximately 25 hours for the CODIS Administrator at \$77.21 an hour (rates include benefits and indirect) for a total of \$1,930, and approximately 17 hours for Government and Media Relations with 15 hours at \$61.49 (Legislative Analyst) and 2 hours at \$91.86 (GMR Captain) for a total GMR cost of \$1,106. The combined total for rulemaking is \$3,036 (rounded to \$3,000).

Additional costs that are not captured in the above include items such as instrumentation and service contracts, DNA analysis software, servers and computers as well as renovation costs for the additional leased space needed to accommodate increased staffing levels. The impact of this legislation on these expenses is indeterminate at this time.

WSP's federal indirect cost rate for FY2016 is 29.9% percent. This rate is calculated on all categories of expenditures except capitalized equipment and is to cover support costs associated with this proposed bill. Support costs include items such as computer and telecommunications support, processing payroll and vendor payments, administering contracts, ordering, accounting for and distribution of supplies, and human resource services. These costs are reflected in this fiscal note under the category Indirect Costs.

Part III: Expenditure Detail

III. A - Expenditures by Object Or Purpose

| | FY 2018 | FY 2019 | 2017-19 | 2019-21 | 2021-23 |
|--------------------------------------|--------------------|--------------------|---------------------|---------------------|---------------------|
| FTE Staff Years | 18.0 | 18.0 | 18.0 | 18.0 | 18.0 |
| A-Salaries and Wages | 1,287,360 | 1,285,560 | 2,572,920 | 2,571,120 | 2,571,120 |
| B-Employee Benefits | 499,320 | 511,560 | 1,010,880 | 1,023,120 | 1,023,120 |
| C-Professional Service Contracts | | | | | |
| E-Goods and Other Services | 2,208,441 | 2,202,141 | 4,410,582 | 4,404,282 | 4,404,282 |
| G-Travel | 43,200 | 43,200 | 86,400 | 86,400 | 86,400 |
| J-Capital Outlays | 201,600 | 32,860 | 234,460 | 65,720 | 65,720 |
| M-Inter Agency/Fund Transfers | | | | | |
| N-Grants, Benefits & Client Services | | | | | |
| P-Debt Service | | | | | |
| S-Interagency Reimbursements | | | | | |
| T-Intra-Agency Reimbursements | | | | | |
| 9-Agency Indirect | 1,214,079 | 1,214,679 | 2,428,758 | 2,429,358 | 2,429,358 |
| Total: | \$5,454,000 | \$5,290,000 | \$10,744,000 | \$10,580,000 | \$10,580,000 |

III. B - Detail: *List FTEs by classification and corresponding annual compensation. Totals need to agree with total FTEs in Part I and Part IIIA*

| Job Classification | Salary | FY 2018 | FY 2019 | 2017-19 | 2019-21 | 2021-23 |
|-------------------------|----------------|-------------|-------------|-------------|-------------|-------------|
| Forensic Scientist 3 | 76,968 | 12.0 | 12.0 | 12.0 | 12.0 | 12.0 |
| Forensic Scientist 5 | 87,084 | 2.0 | 2.0 | 2.0 | 2.0 | 2.0 |
| Laboratory Technician 2 | 50,604 | 3.0 | 3.0 | 3.0 | 3.0 | 3.0 |
| Office Assistant 3 | 36,000 | 1.0 | 1.0 | 1.0 | 1.0 | 1.0 |
| Total FTE's | 250,656 | 18.0 | 18.0 | 18.0 | 18.0 | 18.0 |

Part IV: Capital Budget Impact

Staffing increases required to comply with this proposed legislation are expected to result in the need for additional leased lab space. The estimated cost for the increased lease costs are included in our projected expenditures, but the costs for renovations necessary to make the space usable are not known at this time.

Part V: New Rule Making Required

Identify provisions of the measure that require the agency to adopt new administrative rules or repeal/revise existing rules.

WAC 446-75 will need to be revised.

LOCAL GOVERNMENT FISCAL NOTE

Department of Commerce

| | |
|-----------------------------|---------------------------------------|
| Bill Number: 1138 HB | Title: Offender DNA collection |
|-----------------------------|---------------------------------------|

Part I: Jurisdiction-Location, type or status of political subdivision defines range of fiscal impacts.

Legislation Impacts:

☒ Cities: Increased costs for DNA collection

☒ Counties: Same as above

☐ Special Districts:

☐ Specific jurisdictions only:

☐ Variance occurs due to:

Part II: Estimates

☐ No fiscal impacts.

☐ Expenditures represent one-time costs:

☐ Legislation provides local option:

☐ Key variables cannot be estimated with certainty at this time:

Estimated revenue impacts to:

None

Estimated expenditure impacts to:

| Jurisdiction | FY 2018 | FY 2019 | 2017-19 | 2019-21 | 2021-23 |
|-----------------------|------------------|---------|-----------|-----------|-----------|
| City | 430,364 | 430,364 | 860,728 | 860,728 | 860,728 |
| County | 430,364 | 430,364 | 860,728 | 860,728 | 860,728 |
| TOTAL \$ | 860,728 | 860,728 | 1,721,456 | 1,721,456 | 1,721,456 |
| GRAND TOTAL \$ | 5,164,368 | | | | |

Part III: Preparation and Approval

| | | |
|-----------------------------------|-----------------------|------------------|
| Fiscal Note Analyst: Alice Zillah | Phone: 360-725-5035 | Date: 01/23/2017 |
| Leg. Committee Contact: | Phone: | Date: 01/11/2017 |
| Agency Approval: Steve Salmi | Phone: (360) 725 5034 | Date: 01/23/2017 |
| OFM Review: Kathy Cody | Phone: (360) 902-9822 | Date: 01/23/2017 |

Part IV: Analysis

A. SUMMARY OF BILL

Provide a clear, succinct description of the bill with an emphasis on how it impacts local government.

Section 2 amends RCW 43.43.753. The DNA database shall contain DNA samples for adults charged for any criminal offense or arrested for any criminal offense when there has been a judicial determination of probable cause, as specified in RCW 43.43.754.

Section 3 amends RCW 43.43.754. A DNA sample shall be taken from every adult charged with a criminal offense or lawfully arrested for a criminal offense when there has been a judicial determination of probable cause. If the person will not be detained in a city or county jail facility following the arraignment or probable cause hearing, the court must make the collection of a biological sample a condition of release. The city or county shall be responsible for obtaining the biological samples at the time of transfer to a city or county jail facility for persons detained in a city or county jail facility. The local police department or sheriff's office shall be responsible for obtaining the biological samples for persons not detained in a city or county jail.

Section 5 adds a new section is added to RCW 70.48. The jail administrator or chief law enforcement executive must provide notice of the requirements concerning DNA samples to jail staff who perform booking procedures and other staff who may be collecting DNA samples. Notice of the rights to expungement and destruction must be provided, at the time a biological sample for DNA testing is taken.

Section 6 amends RCW 46.63.110. A person found to have committed a traffic infraction shall be assessed a fee of two dollars per infraction. One dollar of the revenue from each fee must be retained by the collecting jurisdiction to offset administrative costs.

B. SUMMARY OF EXPENDITURE IMPACTS

Briefly describe and quantify the expenditure impacts of the legislation on local governments, identifying the expenditure provisions by section number, and when appropriate, the detail of expenditures. Delineate between city, county and special district impacts.

The legislation would result in increased costs for city and county law enforcement agencies due to the expansion of DNA collection.

The Washington State Patrol (WSP) provides DNA sample kits to local law enforcement agencies, and the samples are taken via swab at the time of photographing and fingerprinting an offender. Each swab requires an estimated 15-25 minutes of officer time for collection, recording identification information, and mailing.

WSP reports an average of 86,943 arrested individuals who would not have a prior DNA sample, based on data from the last four years. This number represents individuals arrested who are not already in the DNA database, plus a 15 percent additional amount due to law enforcement agencies inadvertently duplicating the samples. WSP further estimates that 90 percent of these individuals would be found to have probable cause by a judicial determination.

Therefore, law enforcement agencies would take DNA samples from an estimated 78,249 individuals per year under the bill (86,943 x 90 percent).

Assuming that each DNA test would require 15 minutes of officer time, the bill will result in an extra 19,562 hours of officer time each year (78,249 x 15 minutes). The average hourly salary for an undersheriff is approximately \$44 (Association of Washington Cities 2015 salary and benefit survey). Therefore, costs impacts for cities and counties would total \$860,728 per year (19,562 hours x \$44). The Local Government Fiscal Note Program assumes that the costs would be split between cities and counties.

C. SUMMARY OF REVENUE IMPACTS

Briefly describe and quantify the revenue impacts of the legislation on local governments, identifying the revenue provisions by section number, and when appropriate, the detail of revenue sources. Delineate between city, county and special district impacts.

The legislation would result in increased revenue for cities and counties, as a result of the additional dollar per traffic infraction retained by the collecting jurisdiction to offset administrative costs. Please see the fiscal note of the Administrative Office of the Courts for a discussion of the additional revenue retained by local governments.

SOURCES:

Washington State Patrol

Association of Washington Cities Salary and Benefits Survey