

# GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2015

## Legislative Fiscal Note

**BILL NUMBER:** Senate Bill 351 (First Edition)  
**SHORT TITLE:** Collect DNA All Violent Felony Arrests.  
**SPONSOR(S):** Senators Stein, Barringer, and Bingham

<b>FISCAL IMPACT</b>					
	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> No Estimate Available		
<b>State Impact</b>	<b>FY 2015-16</b>	<b>FY 2016-17</b>	<b>FY 2017-18</b>	<b>FY 2018-19</b>	<b>FY 2019-20</b>
General Fund Revenues:					
General Fund Expenditures:	\$186,575	\$383,320	\$394,353	\$405,250	\$415,130
State Positions:	4.5	4.5	4.5	4.5	4.5
<b>NET STATE IMPACT</b>	<b>(\$186,575)</b>	<b>(\$383,320)</b>	<b>(\$394,353)</b>	<b>(\$405,250)</b>	<b>(\$415,130)</b>
<b>PRINCIPAL DEPARTMENT(S) &amp; PROGRAM(S) AFFECTED:</b>					
Department of Justice, NC State Crime Laboratory					
<b>EFFECTIVE DATE:</b> December 1, 2015					
<b>TECHNICAL CONSIDERATIONS:</b>					
None					

**BILL SUMMARY:**

The proposed bill adds additional felony offenses to the list of offenses for which DNA samples are collected upon arrest.

**ASSUMPTIONS AND METHODOLOGY:**

This bill will cost approximately \$186,575 in the first year and \$383,320 in the second year to analyze approximately 4,308 additional DNA on Arrest samples. A total of 4.5 full-time equivalent (FTE) positions will be required.

The following table shows the estimated fiscal impact of the bill by cost category.

<b>Total Estimated Fiscal Impact of H.B. 225 by Cost Category</b>					
	<b>FY 2015-16</b>	<b>FY 2016-17</b>	<b>FY 2017-18</b>	<b>FY 2018-19</b>	<b>FY 2019-20</b>
<b>Personnel</b>	\$127,507	\$261,957	\$269,492	\$276,928	\$283,681
<b>Supplies</b>	\$59,068	\$121,363	\$124,861	\$128,322	\$131,449
<b>Total</b>	<b>\$186,575</b>	<b>\$383,320</b>	<b>\$394,353</b>	<b>\$405,250</b>	<b>\$415,130</b>
<i>Totals may not add exactly due to rounding.</i>					

## ASSUMPTIONS AND METHODOLOGY:

### Number of Arrestee Samples

In FY 2013-14, there were 111,374 felony defendants. Of those, 12,141 were arrested for crimes requiring DNA samples under current law. For the same year, the NC State Crime Laboratory (Crime Lab) received 10,447 DNA on Arrest submissions. Some people who are arrested already have DNA on file, so to estimate the number of new arrestee samples that may be submitted each year, the number of samples received by the Crime Lab (10,447) was divided by the defendants reported by AOC (12,141) to come up with a percentage of arrests requiring DNA submission (86%). There were 5,007 defendants for the new offenses in the proposed bill. The percentage of arrests requiring DNA submissions (86%) was applied to the total number of proposed new defendants (5,007). Based on these calculations, 4,308 new samples may be submitted (86% of 5,007 is 4,308). The following chart shows the number of defendants and submissions each year for the last three years for the proposed new offenses. Since the numbers remained relatively stagnant, FY 2013-14 defendant counts were used to estimate the costs of this bill.

<b>Est. New DNA on Arrest Submissions</b>			
<b>Fiscal Year</b>	<b>Proposed New Offenses</b>	<b>Percent Eligible Submitted</b>	<b>Est. Number of New Submissions</b>
<b>2011-12</b>	4,950	86%	4,254
<b>2012-13</b>	4,984	87%	4,325
<b>2013-14</b>	5,007	86%	4,308

For the purposes of this fiscal estimate, the number of new DNA submissions estimated is **4,308**. This estimate assumes no changes to the number of arrests over the course of the five-year fiscal note period. Because the bill has an effective date of December 1, 2015, half of those submissions are estimated in FY 2015-16.

The number of defendants by charge can be found in Appendix A. Please note, AOC provided an unduplicated total headcount for this bill. Adding together the number of charges in Appendix A will result in double-counting some defendants.

### NC State Crime Laboratory Personnel Required for DNA on Arrest Submissions

The Crime Lab provided estimates of personnel time per sample to process DNA requests. Currently, the times per sample are as follows:

<b>Position</b>	<b>Time Per Sample (Hours)</b>
Processing Technician	0.50
Forensic Scientist	0.90
Forensic Scientist Manager	0.25
<b>Total Processing Time</b>	<b>1.65</b>

Over the past year, the Crime Lab has been engaged in an efficiency study that has found that it would be more cost-effective to use more technicians to handle the clerical and technical work involved in processing submissions. They submitted revised time estimates based on the recommended workload split.

<b>Position</b>	<b>Time Per Sample (Hours)</b>
Processing Technician	1.00
Forensic Scientist	0.33
Forensic Scientist Manager	0.17
<b>Total Processing Time</b>	<b>1.50</b>

The revised time estimates were used to calculate the number of new positions needed as a result of the bill.

Each State full-time equivalent position (FTE) equates to approximately 1,776 hours of work time per year (40 hours per week times 52 weeks equals 2,080 work hours, minus 96 hours of State holidays, 112 hours of vacation leave for employees with less than five years of service, and 96 hours of sick leave equals 1,776). The following table shows the FTE required for each type of position based on the estimated number of samples submitted under this bill.

<b>New Crime Lab FTE Positions Required for DNA on Arrest Submissions</b>				
<b>Position</b>	<b>Time Per Sample</b>	<b>Number of Samples</b>	<b>Total Time for All Samples</b>	<b>Number of FTE Positions*</b>
Evidence Technician I	1.00	4,308	4,308.39	2.50
Forensic Scientist I	0.33	4,308	1,421.77	1.00
Forensic Scientist Manager	0.17	4,308	732.43	0.50
<b>Total</b>	<b>1.50</b>	<b>4,308</b>	<b>6,462.58</b>	<b>4.00</b>

*\*FTE positions have been rounded to the nearest half position.*

Additional staff will also be required to handle an increased number of expunction requests resulting from the bill. The following table shows the number of expunction requests received by the Crime Lab over the previous three years.

<b>Expunctions</b>	
<b>Year</b>	<b>Requests</b>
<b>2012</b>	1,152
<b>2013</b>	1,289
<b>2014</b>	4,645
<b>Average</b>	<b>2,362</b>

The Crime Lab reports that the number of submissions in 2014 is abnormally high because one agency submitted requests that had accumulated since 2012. Therefore, the average number of requests for the past three years will be used for this analysis. G.S. 15A-266.3A(j) requires district attorneys to notify the Crime Lab when DNA collected on arrest is eligible for expunction. Approximately 25% of district attorney offices are currently complying with this law, so the number of expunction requests is lower than it should be. However, we have no way of calculating a more accurate estimate of expunction requests. The average number of expunction requests received by the Crime Lab over the last three years was 2,362.

Once the average number of expunction requests was determined, it was increased by the anticipated percent increase in submissions (41%). Therefore, the estimated total number of expunction requests expected is 3,330, of which 968 will be new requests resulting from this bill (3,330 total requests minus

2,362 existing requests equals 968 new requests). It takes 30 minutes for an Information Processing Technician to process one expunction request, so an additional half position may be necessary as a result of this bill. To the extent that expunction requests do not increase at the same rate as DNA on Arrest submissions or local agencies begin to process expunction requests in the manner provided by law, this estimate may be incorrect. The following chart shows the number of Information Processing Technician positions that may be required.

<b>New Crime Lab FTE Positions Required for Expunction</b>				
<b>Position</b>	<b>Time Per Request</b>	<b>Number of Requests</b>	<b>Total Time for All Samples</b>	<b>Number of FTE Positions*</b>
Information Processing Technician	0.50	968	484.21	0.50
<i>*FTE positions have been rounded to the nearest half position.</i>				

Position costs were estimated using the minimum salary for each grade. Position operating costs (\$3,396) were added to each position. Operating costs include funds for uniforms, travel, software, and supplies. Funding was also added to Forensic Scientist I and Forensic Scientist Manager positions for expenses related to certification and training requirements. The following table shows the total cost by position for both DNA on Arrest submissions and related expunction processing.

<b>Total Cost by Position for DNA on Arrest Submissions and Expunctions</b>							
<b>Position</b>	<b>FTE Required</b>	<b>Base Salary</b>	<b>Salaries/ Benefits Per Position</b>	<b>Position Operating Cost</b>	<b>Scientist Certification and Training</b>	<b>Total Cost Per Position</b>	<b>Total Cost</b>
Evidence Technician	2.50	\$34,190	\$47,384	\$3,396	\$0	\$50,780	\$126,950
Forensic Scientist I	1.00	\$42,677	\$57,811	\$3,396	\$1,216	\$62,423	\$62,423
Forensic Scientist Manager	0.50	\$57,393	\$75,891	\$3,396	\$1,216	\$80,503	\$40,252
Information Processing Tech.	0.50	\$34,190	\$47,384	\$3,396	\$0	\$50,780	\$25,390
<b>Total</b>	<b>4.50</b>						<b>\$255,014</b>
<i>Totals may not add exactly due to rounding.</i>							

Once the total position cost was calculated, it was inflated for subsequent years using general inflation rates from Moody's economy.com (January 2015). The following table shows the cost estimates for each position over the five-year fiscal note period. Because the bill is not effective until December 1, 2015, the amount in FY 2015-16 has been reduced by 50%. Since expunction requests cannot be expected to increase until at least the first full year of implementation, no additional Information Processing Technician positions will be required until FY 2016-17.

<b>Estimated Cost for Personnel for Five-Year Fiscal Note Period</b>						
<b>Position</b>	<b>Total Cost</b>	<b>FY 2015-16</b>	<b>FY 2016-17</b>	<b>FY 2017-18</b>	<b>FY 2018-19</b>	<b>FY 2019-20</b>
Evidence Technicians	\$126,950	\$63,475	\$130,406	\$134,157	\$137,859	\$141,221
Forensic Scientist Is	\$62,423	\$31,211	\$64,122	\$65,967	\$67,787	\$69,440
Forensic Scientist Managers	\$40,252	\$20,126	\$41,347	\$42,537	\$43,711	\$44,776
Information Processing Techs.	\$25,390	\$0	\$26,081	\$26,831	\$27,572	\$28,244
<b>Total</b>	<b>\$255,014</b>	<b>\$114,812</b>	<b>\$261,957</b>	<b>\$269,492</b>	<b>\$276,928</b>	<b>\$283,681</b>

### **Supply Costs**

Additional expenses will also be incurred for collection kits and analytical supplies. Clean collection kits are sent to local law enforcement agencies. The cost per kit is \$4.68. Processing supplies are \$22.74 per sample. The table below shows the supply costs for each year of the fiscal note period, adjusted for inflation. Because the bill is not effective until December 1, 2015, the amount in FY 2015-16 has been reduced by 50%.

<b>Estimated Cost for Supplies for Five-Year Fiscal Note Period</b>						
<b>Supplies</b>	<b>Total Cost</b>	<b>FY 2015-16</b>	<b>FY 2016-17</b>	<b>FY 2017-18</b>	<b>FY 2018-19</b>	<b>FY 2019-20</b>
Unused Kits	\$4.68	\$4.68	\$4.81	\$4.95	\$5.09	\$5.21
Processing Supplies	\$22.74	\$22.74	\$23.36	\$24.03	\$24.69	\$25.30
Submissions	4,308	2,154	4,308	4,308	4,308	4,308
<b>Total Supply Cost</b>	<b>\$118,125</b>	<b>\$59,068</b>	<b>\$121,363</b>	<b>\$124,861</b>	<b>\$128,322</b>	<b>\$131,449</b>

*Totals may not add exactly due to rounding.*

### **Equipment Costs**

No additional equipment will be necessary because existing equipment at the Crime Lab can be used to process the additional samples. However, the increased load on the equipment may require earlier replacement of the existing equipment at some point beyond the five-year fiscal note period.

**SOURCES OF DATA:** Department of Justice, NC State Crime Laboratory; Administrative Office of the Courts; Department of Public Safety, State Bureau of Investigation; Office of State Human Resources.

**TECHNICAL CONSIDERATIONS:** None

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**Fiscal Research Division**

**DATE:** April 21, 2015

Appendix A: Proposed Offenses Listed in S.B. 351, DNA Upon Arrest Add'l Offenses

G.S. 15A- 266.3A(f) ...	Offense G.S. Reference	Class	Offense Description (Draft Senate Bill)	Number of Defendants (adding together multiple offenses will double- count defendants)			
				FY 2010/11	FY 2011/12	FY 2012/13	FY 2013/14
(1)	14-16.6(b)	F	Assault w/ deadly weapon on executive, legislative or court officer	0	1	0	0
(1)	14-16.6(c)	F	Assault inflicting serious bodily injury on executive, legislative, or court officer	0	0	0	0
(2a)	Article 6A	??	Any felony offense in Article 6A, Unborn Victims	---	3	1	2
above	above	D	above	---	0	0	0
above	above	F	above	---	0	1	1
above	above	F	above	---	2	2	4
(4)	14-28	C	Malicious castration	1	1	0	2
(4)	14-29	E	Castration or other maiming without malice aforethought	0	0	0	0
above	above	E	above	11	17	11	11
(4)	14-30	C	Malicious maiming	3	4	7	2
(4)	14-30.1	E	Malicious throwing of corrosive acid or alkali	2	4	5	3
(4)	14-31	E	Maliciously assaulting in a secret manner	17	25	12	11
(4)	14-32.1(e)	F	Aggravated assault or assault and battery on handicapped person	63	48	59	53
(4)	14-32.2(a)	??	when punishable pursuant to 14-32.2(b)(1), Patient abuse and neglect, intentional conduct proximately causes death	1	1	0	1
(4)	14-32.3(a)	F	Domestic abuse of disabled or elder adults resulting in injury	7	8	7	9
(4)	14-32.4	H	Assault inflicting serious bodily injury or injury by strangulation (was only 14-32.4(a))	1,344	1,424	1,516	1,474
(4)	14-33.2	H	Habitual misdemeanor assault	311	398	395	410
(4)	14-34.1	D	Discharging certain barreled weapons or a firearm into occupied property	278	279	276	340

				Number of Defendants (adding together multiple offenses will double-count defendants)			
G.S. 15A-266.3A(f) ...	Offense G.S. Reference	Class	Offense Description (Draft Senate Bill)	FY 2010/11	FY 2011/12	FY 2012/13	FY 2013/14
above	above	C	above	45	50	68	53
above	above	E	above	315	332	311	289
(4)	14-34.4	C	Adulterated or misbranded food, drugs, etc.; intent to cause serious injury or death; intent to extort	1	0	0	1
above	above	C	above	0	0	0	0
(4)	14-34.9	E	Discharging a firearm from within an enclosure	5	11	15	16
(4)	14-34.10	F	Discharging a firearm within enclosure to incite fear	---	---	---	21
(5a)	Article 13 (14-49; 14-49.1)	E	Any offense in Article 13, Malicious Injury or Damage by Use of Explosive or Incendiary Device or Material	0	0	0	0
above	above	D	above	3	5	7	1
above	above	G	above	23	37	12	19
(6)	14-54(a1)		Breaking or entering buildings with intent to terrorize or injury	0	0	0	58
(8)	14-87.1	G	Common law robbery punishable pursuant to 14-87.1	1,435	1,533	1,413	1,488
(8)	14-88		Train robbery	0	2	0	0
(8a)	14-163.1(a1)		Assaulting a law enforcement agency animal, an assistance animal, or a search and rescue animal willfully killing the animal	1	0	1	2
(10a)	14-202	??	Secretly peeping into room occupied by another person	28	30	48	23
(10b)	14-258.2	??	Possession of dangerous weapon in prison resulting in bodily injury or escape	43	66	69	78
(10b)	14-258.3		Taking of hostage, etc., by prisoner	0	0	0	0
(10b)	14-258.4	F	Malicious conduct by prisoner	375	420	423	367
(12)	14-288.9	F	Assault on emergency personnel with a dangerous weapon or substance	3	2	3	7

				Number of Defendants (adding together multiple offenses will double-count defendants)			
G.S. 15A-266.3A(f) ...	Offense G.S. Reference	Class	Offense Description (Draft Senate Bill)	FY 2010/11	FY 2011/12	FY 2012/13	FY 2013/14
(13)	14-288.21	B1	Unlawful manufacture, assembly, possession, storage, transportation, sale, purchase, delivery, or acquisition of a nuclear, biological, or chemical weapon of mass destruction: exceptions	0	2	1	2
(13)	14-288.22	??	Unlawful use of a nuclear, biological, or chemical weapon of mass destruction	0	0	0	0
(14)	14-318.4(a)	D	Child abuse inflicting serious injury	126	144	146	135
(14)	14-318.4(a3)	B2	Child abuse inflicting serious bodily injury	71	68	80	110
(15)	14-360(a1)	H	Cruelty to animals, maliciously kill by intentional deprivation of necessary sustenance	14	36	57	36
(15)	14-360(b)	H	Cruelty to animals: maliciously torture, mutilate, maim, cruelly beat, disfigure, poison, or kill	126	157	181	139
(16)	14-401.22(E)	D	Attempt to conceal evidence of non-natural death by dismembering or destroying remains	---	 3	0	1

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