

South Carolina Board of Economic Advisors

Statement of Estimated State Revenue Impact

Date: February 4, 2008

Bill Number: S.B. 890 (As adopted 01/23/08 by Senate)

Author: Malloy, McConnell, Ford, Rankin, Knotts, Cleary, Hawkins, O'Dell, Hayes, Elliott, Cromer and Ceips

Committee Requesting Impact: Senate Judiciary

Bill Summary: A bill to amend Section (§) [23-3-620](#), Code of Laws of South Carolina, 1976, relating to offenders being required to submit samples for inclusion in the DNA database, so as to require samples upon lawful custodial arrest for a felony offense, offense that carries a sentence of five years or more, or an arrest for eavesdropping, peeping, or stalking, and at the time of intake at a jail or prison, to provide that these provisions apply to juveniles, and to require samples to be provided before a person is released on parole, released from confinement, or released from an agency's jurisdiction; to amend [§23-3-630](#), relating to persons authorized to take DNA samples and their immunity from liability, so as to delete requirements that the persons authorized must be certain types of health professionals and to provide that they must be appropriately trained; to amend [§23-3-650](#), relating to the confidentiality of DNA, so as to provide for coordination between SLED and local law enforcement agencies to prevent collection and processing of duplicate DNA samples; to amend [§23-3-660](#) and [§23-3-670](#), relating to expungements and fees for DNA samples, so as to provide for expungement at no cost to the accused when charges are dismissed, nolle prossed, or reduced below the requirement for the taking of the DNA sample, to provide that the state will pay for the costs of collecting and processing a DNA sample, and to provide that fees collected from convicted persons shall be remitted to the General Fund of the state and credited to the State Law Enforcement Division; and to amend [§23-3-120](#), relating to the taking of fingerprints, so as to provide for the place and timing for the fingerprinting of a person placed under custodial arrest **as further amended**.

REVENUE IMPACT ^{1/}

This bill is expected to raise earmarked fund allocations to the SLED by \$3,750,000 in FY 2008-09.

Explanation: This bill, as amended, would require more convicted felons, and those under lawful arrest or direct indictment for certain offenses, to submit to a Deoxyribonucleic Acid (DNA) sample for inclusion in the State DNA Database; whereas current law requires DNA samples after sentencing and at the time of intake at a jail or prison, or a location specified at sentencing. The bill also requires that samples be provided before a person is released on parole, from confinement, or from an agency's jurisdiction. The bill further provides for coordination between SLED and local law enforcement agencies to prevent collection and processing of duplicate DNA samples. A DNA sample processing fee of \$250 must be assessed at the time of custodial arrest against persons convicted of, pleading guilty or nolo contendere to, or forfeiting bond for the crime for which they were arrested. As under current law, all proceeds from DNA processing fees must be credited to the SLED for use to support operational costs of the DNA Lab. Although the bill sets January 1, 2009, as the effective date for full implementation, SLED may continue to collect samples by existing methods for those crimes listed in Section 23-3-620 as means toward full funding. Based on information from SLED, we expect 15,000 samples for which payment would actually be received in FY 2008-09. Multiplying 15,000 samples times \$250 yields \$3,750,000. This bill would therefore raise SLED's earmarked funds by \$3,750,000 in FY 2008-09.

/s/ William C. Gillespie

William C. Gillespie, Ph.D.
Chief Economist

Analyst: Di Biase

^{1/} This statement meets revenue impact requirements of Section 2-7-71 for a state impact by BEA, Section 2-7-76 for a local impact or Section 6-1-85(B) for an estimate of the shift in local property tax incidence by Office of Economic Research (OER).