

Fiscal Estimate Narratives

DOC 10/13/2011

LRB Number	11-0430/1	Introduction Number	SB-214	Estimate Type	Original
Description Requiring a person arrested for or charged with certain offenses, or a juvenile taken into custody for certain offenses, to provide a biological specimen for deoxyribonucleic acid analysis; inclusion of the analysis results in the deoxyribonucleic acid data bank; requiring the exercise of rule-making authority; and providing a penalty					

Assumptions Used in Arriving at Fiscal Estimate

Under this bill, law enforcement agencies would be required to collect biological specimens from every adult who is arrested for a felony, or certain misdemeanors, and submit the specimens to the crime laboratories for DNA analysis and inclusion of a DNA profile into the data bank.

Upon intake to DOC facilities, and prior to release from DOC facilities, staff verify whether a DNA sample is on record in the DOJ database. If a sample is not on record, samples are collected and submitted to DOJ for analysis and databank maintenance. As offenders placed on probation are admitted to community supervision, and before all offenders are discharged from community supervision, staff verify whether collection of a sample is required and collect samples as necessary, or in certain circumstances, refer the offender to the local sheriff's office to collect the sample.

This bill may lead to decreased state costs, as categories of offenders which DOC currently collects samples from may instead have their samples collected by local and tribal law enforcement agencies. Such categories of offenders would include:

1. First-time felony or certain misdemeanor offenders sentenced to probation, but not sentenced to jail in conjunction with their sentence.
2. Juveniles and adult inmates admitted to DOC facilities.

Decreased costs would be limited to decreased staff time devoted to collecting DNA samples. Staff time would still be devoted, upon offender intake and before release from custody, to verifying the databank has all necessary profiles for offenders under DOC custody. No DOC supplies and services cost decreases would result, as DNA sample collection kits are provided by the Wisconsin Department of Justice.

The Department of Corrections provides fiscal estimates on behalf of county jails when assigned to complete both a state and local fiscal estimate.

It is anticipated this bill would increase costs to county jails:

1. Counties would conduct more DOJ databank inquiries and collect more DNA samples from a larger offender base than under current practice.
2. Whoever intentionally fails to submit a sample is guilty of a Class A misdemeanor under this bill, a penalty similar to current law (an unclassified penalty with a maximum of 90 days imprisonment and/or a fine of up to \$10,000). This penalty may apply to more offenders since a larger group of offenders would be required to submit a sample.

Increased costs from additional DOJ databank inquiries, sample collections, and additional jail admissions are difficult to estimate, as staffing and operating costs vary by county, and the Department lacks data which identifies the number of offenders who would be required to submit a sample under this bill.

Increased costs which may result from additional offenders sentenced to jail confinement for not providing a sample are difficult to project as well. For illustrative purposes, if county jail daily costs of incarcerating an inmate were assumed to be \$50.00/day, and 500 offenders arrested in Wisconsin refused to submit a sample and were sentenced to 30 days of jail confinement, increased costs for those offenders would be \$750,000.

Long-Range Fiscal Implications