



Legislative Fiscal Bureau

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Joint Committee on Finance

Paper #495

DNA Analysis Resources (Justice)

Base Agency

[LFB 2007-09 Budget Summary: Page 368, #2]

CURRENT LAW

Under s. 165.77 of the statutes, the state crime laboratories at the Department of Justice (DOJ) are required to provide deoxyribonucleic acid (DNA) analysis and maintain a DNA databank. The laboratories are required to analyze the DNA in a human biological specimen, if requested: (a) by a law enforcement agency regarding an investigation; (b) pursuant to a court order; and (c) by an individual regarding his or her own specimen, subject to rules established by the Department. Prior to the passage of 2007 Act 5, the state crime laboratories were authorized 29.0 DNA analysts.

The provisions of Act 5 provided an additional 31.0 GPR-funded, DNA analysis-related positions to DOJ, specifically: (a) 29.0 DNA analysts; (b) 1.0 DNA technician; and (c) 1.0 DNA analysis supervisor. The Act also provided \$96,600 GPR in 2006-07, to support the creation of 15.0 of these positions on April 1, 2007. Due to their creation during 2006-07, these 15.0 positions are considered base resources. The remaining 16.0 positions created under the act are authorized, effective July 1, 2007.

GOVERNOR

Provide \$1,020,400 GPR and 9.0 GPR positions, \$704,900 PR and 6.0 PR positions in 2007-08, and \$1,884,700 GPR and 15.0 GPR positions, and \$140,000 PR in 2008-09, to provide additional staffing and supplies and services resources to the state crime laboratories for DNA analysis. Under the recommendation, the state crime laboratories would be provided 11.0 additional DNA analysts and 4.0 additional DNA technicians. Assuming a three-month period to

recruit and fill the positions, the 15.0 DNA analysis positions would be provided nine months of funding in 2007-08. Of the amount provided, salary and fringe benefits funding totals \$416,900 GPR and \$285,900 PR in 2007-08, and \$937,000 GPR in 2008-09. The program revenue funding would be generated from criminal history search fees.

DISCUSSION POINTS

1. In recent years DOJ has seen a significant expansion in its DNA analysis caseload. The following table shows annual DNA analysis caseloads for calendar years 2003 through 2006, as well as the annual growth in these caseloads. In recent years, incoming cases received have exceeded cases completed. At the end of calendar year 2006, the state crime laboratories had a DNA analysis backlog of 1,785 cases.

State Crime Laboratories DNA Analysis Caseload

<u>Calendar Year</u>	<u>Caseload</u>	<u>Percent Change</u>
2003	1,199	
2004	1,239	3.3%
2005	1,944	56.9
2006	2,226	14.5

2. In order to address the caseload growth, under 2007 SB 39/AB 72 (2007 Act 5), the Governor recommended providing \$96,600 GPR in 2006-07, to support the creation of 15.0 GPR DNA analysis positions on April 1, 2007. Under SB 40, the Governor recommended providing \$1,725,300 and 15.0 positions in 2007-08 (all funds), and \$2,024,700 and 15.0 positions in 2008-09 (all funds), to provide ongoing funding and position authority for this DNA analysis initiative.

3. Subsequent to the submission of its 2007-09 agency budget request, the Department of Justice, under the current Attorney General, provided an updated review of the anticipated growth in demand for DNA analysis by law enforcement agencies, district attorneys, and the courts, and the level of resources believed to be required to eliminate the backlog of cases awaiting DNA analysis and address anticipated demand. The Department of Justice indicated that if 31.0 additional DNA analysis positions were provided to the Department under 2007 Act 5 (29.0 DNA analysts, 1.0 DNA technician, and 1.0 DNA analysis supervisor), the Department could expedite the hiring of DNA staff, thereby, accelerating efforts to address the backlog and anticipated annual caseloads. The Department estimated that with the additional positions the backlog in DNA cases would be eliminated by the end of 2010. The Department of Justice further stated that if this issue was first addressed in conjunction with SB 40, the Department would be delayed in hiring additional DNA staff and would require 37.0 DNA analysis positions (rather than 31.0) to eliminate the backlog by the end of 2010.

4. Under 2007 Act 5, the Legislature provided the 31.0 GPR-funded, DNA analysis-related positions requested by DOJ, and approved \$96,600 GPR in 2006-07, for the initiative. In furtherance of legislative intent expressed under Act 5, the DOJ budget under SB 40 should be modified to reflect the Legislature's approval of 31.0 GPR-funded, DNA analysis-related positions.

MODIFICATION

Modify the Governor's recommendations as follows to implement the provisions of 2007 Act 5 related to deoxyribonucleic acid analysis at the state crime laboratories: (a) delete 6.0 PR positions in 2007-08, and associated salary and fringe benefits funding of \$285,900 PR in 2007-08; (b) provide \$285,900 PR in 2007-08 in supplies and services funding; (c) create 22.0 additional GPR-funded positions in 2007-08, 16.0 additional GPR-funded positions in 2008-09, and additional salary and fringe benefits funding of \$1,230,900 GPR in 2007-08, and \$790,300 GPR in 2008-09; and (d) provide \$1,158,100 GPR in 2007-08, and \$804,700 GPR in 2008-09, in additional supplies and services funding.

Explanation: Funding and position modifications are required to: (a) authorize 16.0 additional positions in addition to that recommended under SB 40; (b) provide 12 months of salary and fringe benefits funding in 2007-08, instead of nine months; (c) delete PR position authority and associated position funding in 2007-08, to reflect that Act 5 created all 31.0 positions as GPR-funded positions; and (d) provide additional position and supplies and services funding to reflect the Legislature's actions under Act 5.

	Change to Bill		Change to Base	
	Funding	Positions	Funding	Positions
GPR	\$3,984,000	16.00	\$6,889,100	16.00
PR	<u>0</u>	<u>0.00</u>	<u>844,900</u>	<u>0.00</u>
Total	\$3,984,000	16.00	\$7,734,000	16.00

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