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## FISCAL IMPACT REPORT

SPONSOR Park DATE TYPED 2/1/04 HB 364

SHORT TITLE Expert Witnesses for DNA Cases SB \_\_\_\_\_

ANALYST Bransford

### APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY04	FY05	FY04	FY05		
\$65.4				Non-Recurring	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates SB 268

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Administrative Office of the District Attorneys (AODA)

Public Defender Department (PDD)

Department of Public Safety (DPS)

### SUMMARY

#### Synopsis of Bill

House Bill 364 appropriates \$65.4 thousand from the general fund to the administrative office of the district attorneys for the purpose of paying expert witness fees associated with cases that the state crime laboratory had tested by private laboratories to reduce the number of backlogged DNA cases. The legislation contains an emergency clause.

#### Significant Issues

The appropriation is made in fiscal year 2004 but may be spent in fiscal year 2005.

In October of 2003, the governor allocated \$3.4 million from the federal flexible grant to DPS \$360 thousand of the grant was designated to the crime lab for contracting with private labs to analyze a back log of 150 to 175 DNA samples. Once analyzed, if the samples are used as evidence in trial proceedings, district attorneys will be responsible for paying expert witness of \$500 to \$1,600 per day. The expert witness fees do not include travel or per diem expenses.

**FISCAL IMPLICATIONS**

The appropriation of \$65.4 thousand contained in this bill is a non-recurring expense to the general fund. Any unexpended or unencumbered balance remaining at the end of fiscal year 2005 shall revert to the general fund.

**ADMINISTRATIVE IMPLICATIONS**

Without the additional fund district attorneys will not have the resources in their operating budgets to pay the expert witness fee and related expenses in these cases.

**VB/lg:yr**