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FISCAL IMPACT REPORT

SPONSOR Sanchez, M. DATE TYPED 02/04/05 HB _____

SHORT TITLE Repeal DNA Evidence Procedures Sunset SB 241

ANALYST McSherry

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY05	FY06	FY05	FY06		
	NFI				

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Administrative Office of the Courts (AOC)

Corrections Department (CD)

SUMMARY

Synopsis of Bill

Senate Bill 241 proposes to repeal the Laws of 2003, Chapter 27, Section 3, which would allow Section 1 of 2003 Chapter 27 to remain beyond July 1, 2006. Section 1 establishes a felon's right to petition the district court in which he or she was convicted to order the disclosure, preservation, production and testing of evidence that can be subjected to DNA testing.

Significant Issues

Senate Bill 241 extends life of post-conviction consideration of DNA evidence by repealing the sunset clause.

The proposed change does not set a new sunset date.

The Corrections Department asserts that the proposed change may result in a very minimal amount of convictions being overturned and inmates being released from prison and would have a very minimal impact on the Department.

PERFORMANCE IMPLICATIONS

FY 05 is the second year that the courts are participating in performance based budgeting. The AOC suggests that the proposed bill may have an impact on the measures of the district courts in the following areas: cases disposed as a percent of cases filed, percent change in case filings by case type, clearance rate

Corrections reports that there would be very minimal decrease in the Department administrative workload due to the decrease in prison population.

FISCAL IMPLICATIONS

According to the Corrections Department a very minimal increase in funds due to the fact that the Department would not have to pay for inmates released or deal with probation/parole costs for those inmates.

The contract/private prison annual costs of incarcerating an inmate is \$20,720 per year for males. The cost per client to house a female inmate at a privately operated facility is \$26,313 per year. Because state owned prisons are essentially at capacity, any net increase in inmate population will be housed at a contract/private facility.

The cost per client in Probation and Parole for a standard supervision program is \$1,452 per year. The cost per client in Intensive Supervision programs is \$2,852 per year. The cost per client in department-operated Community Corrections programs is \$4,371 per year. The cost per client in privately-operated Community Corrections programs is \$9,151 per year. The cost per year for male and female residential Community Corrections programs is \$20,725.

ADMINISTRATIVE IMPLICATIONS

In effect this bill will extend the current state of the law by removing the sunset date on the provision.

ALTERNATIVES

A new sunset date for the statute could be considered.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL?

The section of law will sunset on July 1, 2006 as originally scheduled.

POSSIBLE QUESTIONS

Was a new sunset date considered? Why or why not?

EM/lg