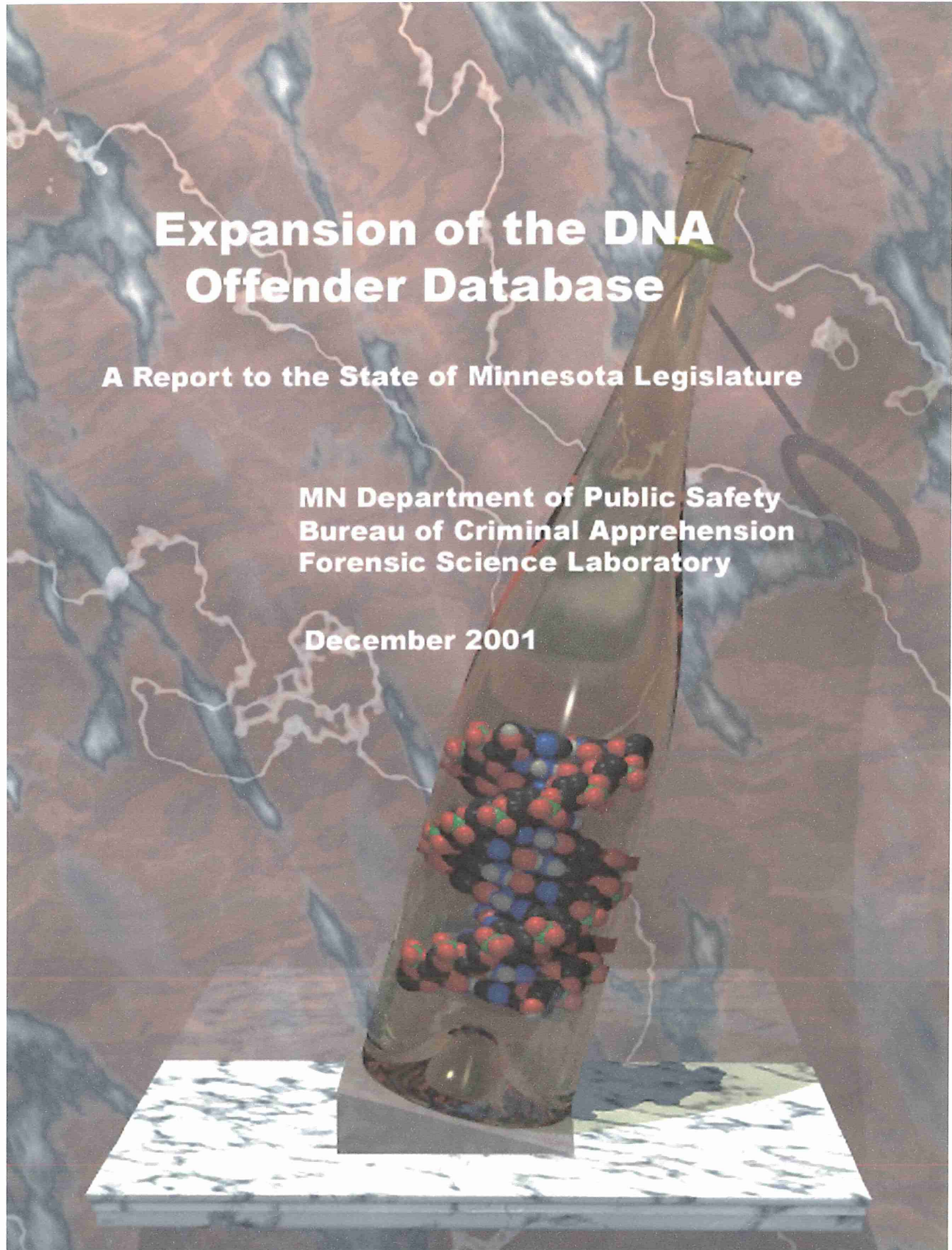


# **Expansion of the DNA Offender Database**

**A Report to the State of Minnesota Legislature**

**MN Department of Public Safety  
Bureau of Criminal Apprehension  
Forensic Science Laboratory**

**December 2001**



## **EXPANDING THE DNA OFFENDER DATABASE**

*A report to the State of Minnesota Legislature by the BCA*

### **Background**

At the request of Senator Dave Kleis

- The BCA examined the effectiveness of the DNA offender database statute (609.117).
- It reviewed the advantages and disadvantages of expanding the statute to include other offenses (including an expansion to all felons as proposed under SF191 and HF 1093).
- A compilation of the DNA database laws from other states was collected.
- Recommendations.

### **Effectiveness of the Minnesota DNA Database**

The DNA offender database was started in 1990 and consisted of DNA profiles of adults and juveniles convicted of criminal sexual conduct (1<sup>st</sup> to 4<sup>th</sup> degrees). It includes offenders in custody as well as those convicted of the targeted offenses after the implementation date. The first “cold hit” occurred shortly thereafter and solved a murder-rape case from Minneapolis. Thus Minnesota became the first state to solve a case based on a link with a DNA database. The BCA received about 1000 samples a year through 2000 resulting in 30 “cold hits”.

“Linked cases” are rapes or homicides that have DNA that matches (indicating a common suspect). In 1993 twelve violent rapes in the metro area were linked to two common suspects. Even though neither was in the offender database the BCA maintains a forensic database that can provide law enforcement with the information that the cases have a common link.

The Minnesota database is connected to the FBI National DNA Index system (NDIS) and has the distinction of having the first NDIS “cold hit”. There were two “cold hits” in 1997 matching case from other states to samples in Minnesota’s database.

In 1999 the BCA began using a new DNA technology called “STR” (for short tandem repeats). This technology is faster, more sensitive and more discriminating than previously used “RFLP” (for restriction fragment length polymorphism) techniques. This required the re-analysis of all offender samples. As of November of 2001 all but 770 of these 8375 samples have been rerun.

A major change to the database occurred in 2000 when it was expanded to include violent crimes against persons (including: 1<sup>st</sup> to 3<sup>rd</sup> degree murder, 1<sup>st</sup> & 2<sup>nd</sup> degree manslaughter, 1<sup>st</sup> to 3<sup>rd</sup> degree assault, simple robbery, kidnapping, false imprisonment, incest, 1<sup>st</sup> degree burglary and felony indecent exposure). That change resulted in an increase in submissions of about 3000 per year. There have been 6 “cold hits” since July of 2000. The BCA has received 15,501 samples to date and profiles have been completed for 12,663 samples. Five more “hits” that are in the confirmation process have occurred in November.

*It is clear that the offender database is an effective tool to solve criminal cases that would otherwise not be solved and has exonerated suspects as well.*

### **Advantages and Disadvantages of DNA Database Expansion**

#### **Advantages:**

- *Additional crimes will be solved.*

#### **Disadvantages:**

- Cost to the BCA: The supply costs are about \$50 per sample, depending on the number of additional samples equipment and personnel costs are required.

- Cost to locals for drawing the samples: the cost for drawing blood samples can cost the local agency anywhere from \$20 to \$50. *There are some jurisdictions that are refusing to take the samples required by current law because they say they can not afford it.* The BCA is investigating the use of buccal swabs, taken from the inside of the mouth cheek area, instead of blood. If the difficulties related to buccal swabs could be overcome, it would negate the cost of drawing blood samples.
- Inadequate space at the BCA to accommodate personnel and equipment: The new BCA building is slated for completion in the spring 2003. The new building was designed to accommodate database increases.
- Adding to the database without addressing casework backlog: The turn-around time for DNA cases is about four months.

### **Possible Expansions**

- All burglary convictions (current law is 1<sup>st</sup> degree, a felony offense).
  - Number of individuals: 1138 adults in 2000 (219 were 1<sup>st</sup> degree)
  - Cost estimate: \$175,000 per year
  - Staff increase: 2 FTE's
  - Example: Florida's database was expanded to include all levels of burglary in May of 2000. They have over 357 hits against their database compared to Minnesota's 34.
- All Felons (as proposed in SF191)
  - Number of individuals: 21,000 per year with an additional 2,700 in custody (~4000 per year under the current law).
  - Cost estimate: \$2.2 million the first year, \$1.4 million in subsequent years.
  - Staff increase: 8 FTE's
  - Example: Georgia's Database was expanded to include all felons in April of 2000. They have over 113 hits against their database compared to Minnesota's 34.
  - *Supported by the FBI, the National District Attorney's Association & the National Sheriff's Association.*
- All Arrests
  - Number of individuals: 60,000
  - Cost \$6.4 million the first year, \$5.2 million in subsequent years.
  - Staff increase: 15 FTE's
  - Example: none in the United States
  - Only convicted individuals can be entered in the National database.

### **Recommendation**

**Expand the law to include all burglary convictions (only if funded) to take effect July 1, 2003.**

**Expand the law to include all felons (only if funded) to take effect July 1, 2005.**

Frank Dolejsi, Director, BCA Forensic Science Laboratory prepared this summary.

Our thanks to the FBI and Applied Biosystems for the charts and compilation of DNA database statutes from other states. Cover DNA Graphic, "In a bottle" by Paul Thiessen is used by permission.

## **DNA Program FACT SHEET**

- \* The DNA Laboratory at the BCA Forensic Science Laboratory (BCA Lab) was established in 1989.
- \* The law at that time required the development of a data bank consisting of DNA profiles from biological (blood) samples received from both adults and juveniles convicted of Criminal Sexual Conduct (First through Fourth Degree).
- \* Under M.S. 169.3461 DNA analysis was required first upon sentencing, the court is required to order that convicted sex offenders provide a blood sample, which is sent to the BCA for DNA profiling.
- \* In addition, any convicted sex offenders currently in custody were required to provide a sample for DNA analysis before their release.
- \* Both the sample and the DNA results are maintained by the BCA. The data is only available to law enforcement officials in connection with criminal investigations in which human biological specimens have been recovered.
- \* In 1991 the Minnesota BCA Lab. was the first in the nation to have a "cold hit", where a previously unidentified suspect was developed on the basis of a match between crime scene samples and the offender database. Minnesota has had fifteen "cold hits" to date using the state DNA database.
- \* Unsolved cases are put into a forensic index to be compared against future offender samples. Cases have also been "linked" by comparing case samples in this forensic index. For example 16 rape cases were linked to a serial rapist in the twin cities in 1992.
- \* The BCA is a participant in CODIS (Combined DNA Index System) established by the FBI in 1993 (and as a pilot site before it went online).
- \* The Minnesota database is linked to the FBI National DNA Index System (NDIS). Minnesota also had the distinction of having the first National DNA Index System (NDIS) Cold Hit.
- \*In 1999 the BCA began using a new DNA technology called "STR" (for short tandem repeats). This technology is faster, more sensitive and more discriminating than previously used "RFLP" (for restriction fragment length polymorphism) techniques. This required the re-analysis of all offender samples. As of November of 2001 all but 770 of these 8375 samples have been rerun.
- \*In July of 2000 expansion of the DNA database law added to include violent crimes against persons, including: 1st to 3<sup>rd</sup> degree murder, 1<sup>st</sup> & 2<sup>nd</sup> degree manslaughter, 1<sup>st</sup> to 3<sup>rd</sup> degree assault, simple robbery, aggravated robbery, kidnapping, false imprisonment, incest, 1<sup>st</sup> degree burglary and felony indecent exposure. This change resulted in an increase in submissions from about 1000 per year to 3000 per year.
- \*In 2001 two expansions of the database occurred. The first change added individuals who are incarcerated for any offence but were previously convicted of a targeted offense. That change, which was not funded, will add 2000 samples the first year and 775 each year thereafter. The second expansion added fifth degree criminal sexual conduct, adding 200 samples per year.
- \*The BCA laboratory is researching the DNA technology referred to as mitochondrial DNA. This technology can not be implemented until the new facility completed and funding is provided. Although not as discriminating as "STR", it is the technique used by the FBI for extremely degraded samples such as skeletal remains.
- \* The BCA Lab. has received approximately 15,000 samples to date. DNA profiles have been completed for approximately 11,500 samples.

**STATE DNA DATABASE LAWS**  
**QUALIFYING OFFENSES**  
*(As of October 2001)*

<i>State</i>	<i>Sex Offenses</i>	<i>Offenses Against Children</i>	<i>Murder</i>	<i>Assault &amp; Battery</i>	<i>Robbery</i>	<i>Kidnapping</i>	<i>Burglary</i>	<i>Some Drug Offenses</i>	<i>Attempts</i>	<i>Juveniles</i>	<i>All Felonies</i>
ALABAMA	☐	☐	☐	☐	☐	☐	☐	☐	☐		☐
ALASKA	☐	☐	☐	☐	☐	☐	☐		☐	☐	
ARIZONA	☐	☐	☐	☐	☐		☐		☐	☐	
ARKANSAS	☐	☐	☐	☐	☐	☐	☐			☐	
CALIFORNIA	☐	☐	☐	☐	☐	☐	☐		☐	☐	
COLORADO	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐
CONNECTICUT	☐	☐				☐					
DELAWARE	☐	☐							☐		
FLORIDA	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐
GEORGIA	☐	☐	☐	☐	☐	☐	☐	☐	☐		☐
HAWAII	☐	☐	☐								
IDAHO	☐	☐	☐	☐	☐				☐	☐	
ILLINOIS	☐	☐	☐		☐	☐	☐		☐	☐	
INDIANA	☐	☐	☐	☐	☐	☐	☐				
IOWA	☐		☐	☐		☐	☐				
KANSAS	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	
KENTUCKY	☐										
LOUISIANA	☐	☐	☐	☐		☐			☐	☐	
MAINE	☐	☐	☐	☐	☐	☐	☐	☐	☐		☐
MARYLAND	☐		☐	☐	☐						
MASSACHUSETTS	☐	☐	☐	☐	☐	☐	☐				

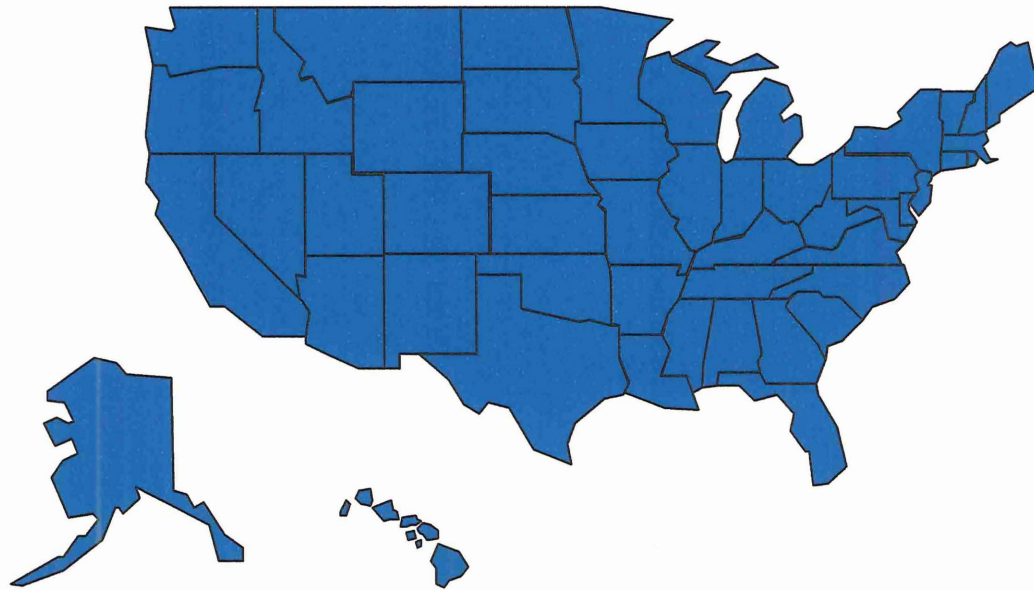
<i>State</i>	<i>Sex Offenses</i>	<i>Offenses Against Children</i>	<i>Murder</i>	<i>Assault &amp; Battery</i>	<i>Robbery</i>	<i>Kidnapping</i>	<i>Burglary</i>	<i>Drug Offenses</i>	<i>Attempts</i>	<i>Juveniles</i>	<i>All Felonies</i>
MICHIGAN	○	○	○	○	○	○	○	○	○	○	○
MINNESOTA	○		○	○	○	○	○		○	○	
MISSISSIPPI	○	○									
MISSOURI	○	○	○	○		○					
MONTANA	○	○	○	○	○	○	○	○	○	○	○
NEBRASKA	○	○	○								
NEVADA	○	○	○	○			○	○	○		
NEW HAMPSHIRE	○									○	
NEW JERSEY	○	○	○	○		○			○	○	
NEW MEXICO	○	○	○	○	○	○	○	○	○	○	○
NEW YORK	○		○	○	○	○	○	○			
NORTH CAROLINA	○		○	○	○	○					
NORTH DAKOTA	○	○	○	○	○	○	○		○		
OHIO	○	○	○			○			○	○	
OKLAHOMA	○	○	○	○	○	○	○				
OREGON	○	○	○	○	○	○	○	○	○	○	○
PENNSYLVANIA	○	○	○						○	○	
RHODE ISLAND	○	○	○	○	○	○	○	○			
SOUTH CAROLINA	○	○	○	○	○	○	○			○	
SOUTH DAKOTA	○	○	○	○	○	○	○		○		
TENNESSEE	○	○	○	○	○	○	○	○	○	○	○
TEXAS	○	○	○	○	○	○	○	○	○	○	○
UTAH	○	○	○	○		○					

<i>State</i>	<i>Sex Offenses</i>	<i>Offenses Against Children</i>	<i>Murder</i>	<i>Assault &amp; Battery</i>	<i>Robbery</i>	<i>Kidnapping</i>	<i>Burglary</i>	<i>Drug Offenses</i>	<i>Attempts</i>	<i>Juveniles</i>	<i>All Felonies</i>
VERMONT	0	0	0	0	0	0	0		0		
VIRGINIA	0	0	0	0	0	0	0	0	0	0	0
WASHINGTON	0	0	0	0	0	0			0	0	
WEST VIRGINIA	0	0	0	0	0	0	0				
WISCONSIN	0	0	0	0	0	0	0	0	0		0
WYOMING	0	0	0	0	0	0	0	0	0		0
<b>TOTALS</b>	<b>50</b>	<b>43</b>	<b>45</b>	<b>40</b>	<b>35</b>	<b>39</b>	<b>33</b>	<b>18</b>	<b>31</b>	<b>24</b>	<b>14</b>



# ***Sex Offender Requirements***

**■ Require DNA samples for sex offenses (50)**

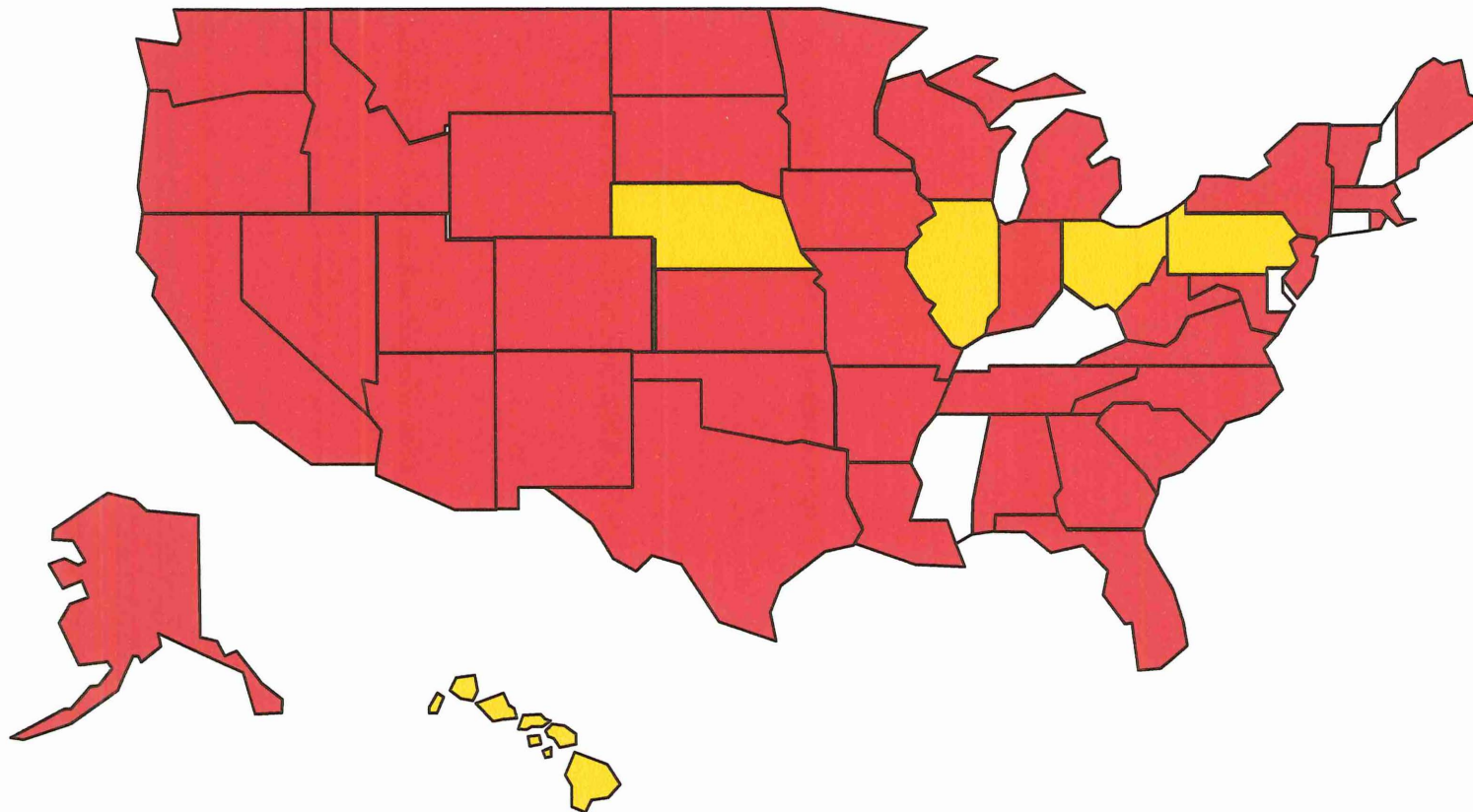




# ***Violent Crime Requirements***

*(As of August 2001)*

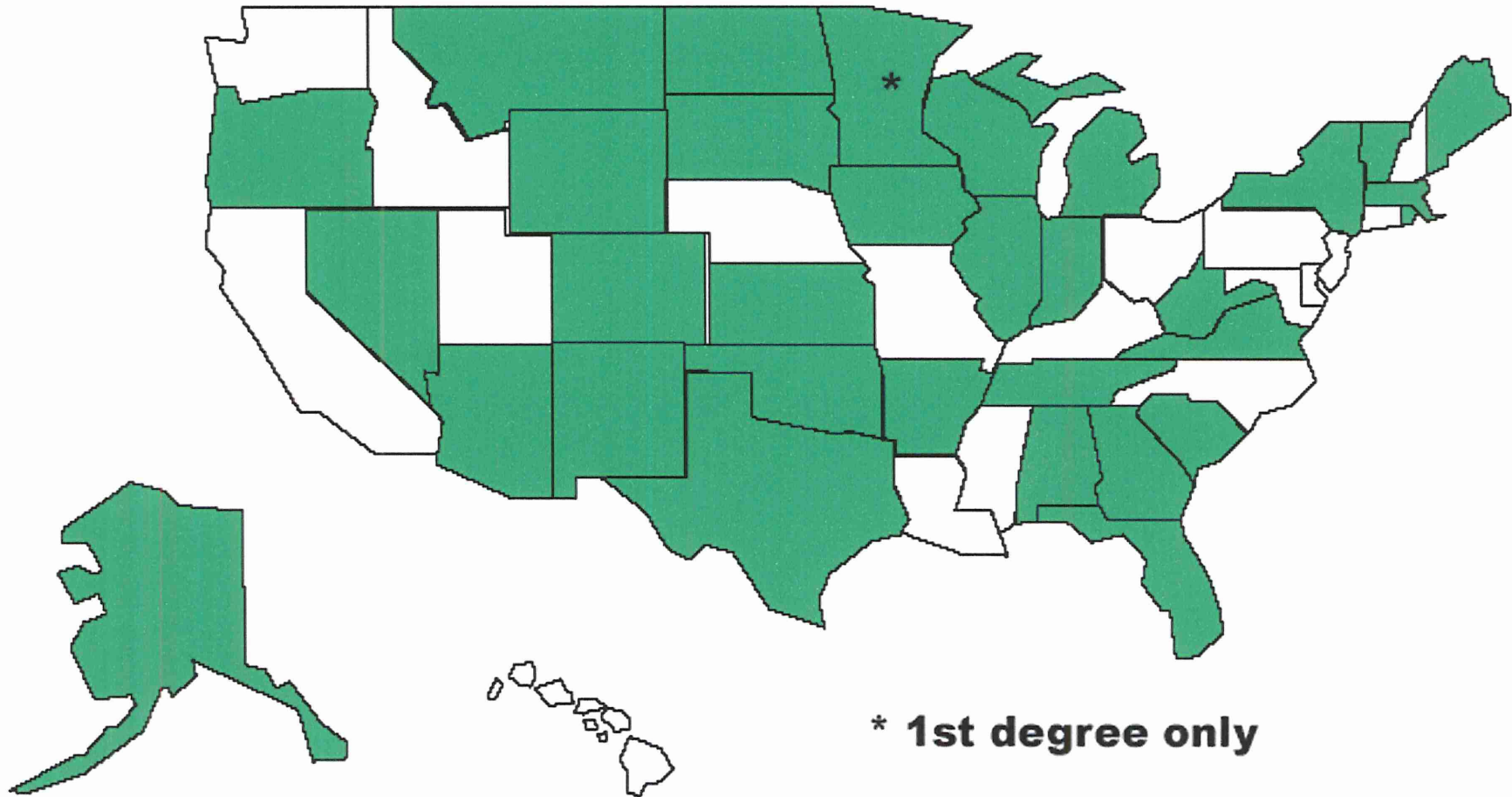
- Require DNA samples for murder and assault and battery (40)
- Require DNA samples for murder but not assault and battery (5)
- No requirement for violent crimes (5)



# Burglary Requirements

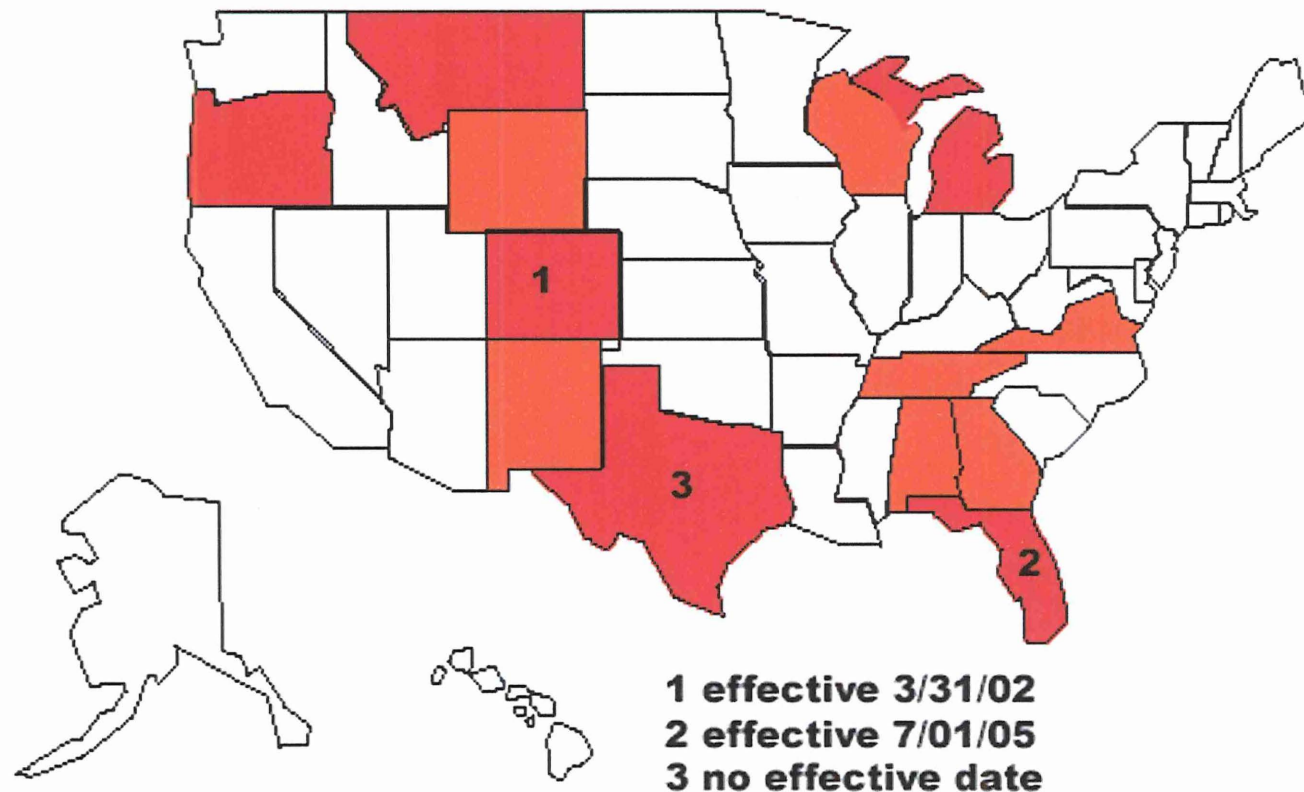
(As of August 2001)

■ States that require DNA samples for burglary (32)



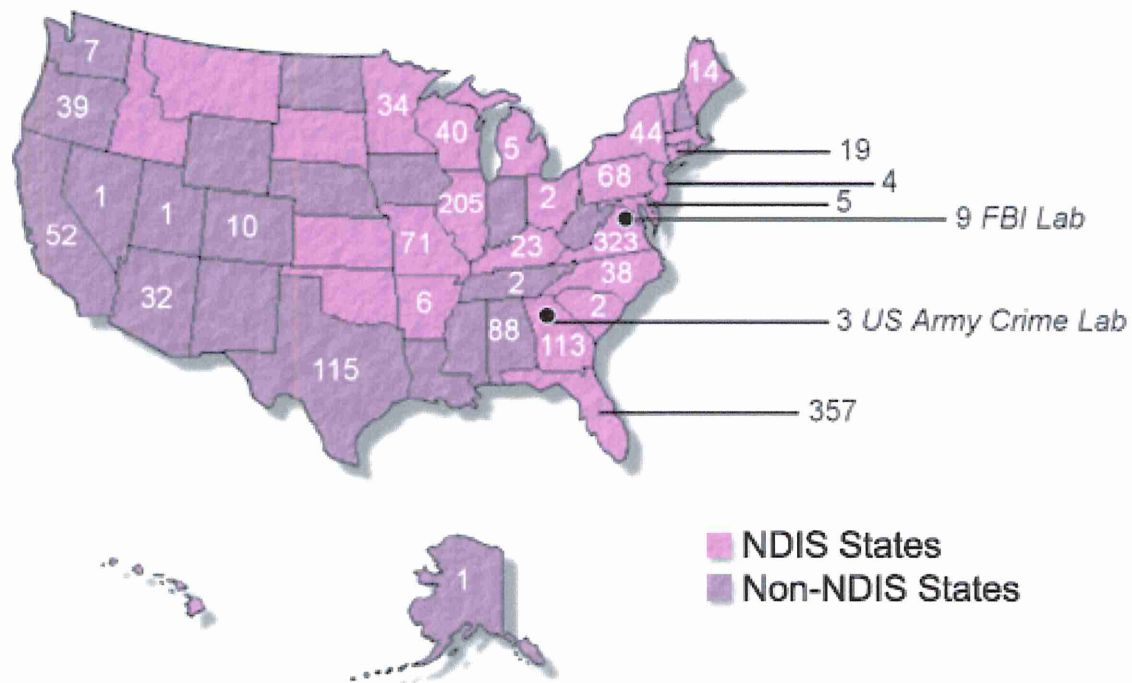
# *All Felonies Requirements*

 **Require DNA samples for all felonies (13)**  
(As of August 2001)



# Investigations Aided

Through February 2001  
Total = 1,733 in 29 states plus two federal laboratories



Source : FBI

# Benefits of Expanding Criminal DNA Databases

Most states have enacted legislation requiring the collection of DNA samples from violent criminals. Once a sample has been collected, it is profiled and entered into secure state and federal databases. These databases are an irreplaceable investigation tool for law enforcement. When law enforcement obtains DNA from a crime scene, the DNA is compared against the state and federal databases. If the crime scene DNA matches a profile in the DNA database, then law enforcement has a suspect.

Recently, state legislators throughout the country have questioned why the DNA databases of violent offenders are not being expanded to include all convicted offenders. This comes as some U.S. states and foreign countries have discovered that expanding DNA databases beyond violent criminals could double the chances of matching a suspect against the state and federal databases.

Expanding the state databases to include all convicted offenders would have several benefits: First, more crimes would be solved; second, more crimes would be prevented; third, more innocent people would be exonerated; and lastly, society would realize greater cost-efficiencies:

1. **Solve crimes** – DNA collection from all convicted felons, rather than just sex offenders and serious violent crimes, would result in a monumental amount of violent crimes being solved. Statistics show that as many as half of the criminals that commit violent crimes have non-violent criminal histories (see Virginia and Great Britain study). Therefore, offenders who are required to submit DNA when convicted of non-violent felonies will be identified as they leave DNA behind at a rape and murder scenes. *If a state takes DNA from violent offenders only, the likelihood of solving a particular rape or murder are reduced by 50%.*
2. **Prevent crimes** - Solving a crime -- and solving it quickly -- has a direct effect on preventing additional crimes by the same perpetrator. An offender who is not apprehended in a timely manner remains free to commit more crimes. For example, according to a study completed by the National Institute of Justice (US Department of Justice) the average rapist commits 8-12 sexual assaults. If law enforcement could immediately apprehend the rapist after the first sexual offense, *then a minimum of 7 rapes would be prevented per offender.* When considering that *as many as half* of all violent criminals have a prior conviction for a non-violent crime, it becomes evident that expanding DNA database requirements to all convicted felons would significantly impact the number and frequency of rapes and other repeat violent crimes in this country.
3. **Exonerate the innocent** - Increasing the DNA database to those convicted of non-violent offenses would reduce the occurrence of innocent people who are wrongly suspected, arrested and convicted of crimes they did not commit. Two common scenarios exemplify how a larger DNA database protects such innocent people:
  - *The guilty party is in the database* – Imagine that strong circumstantial evidence leads law enforcement to suspect an innocent person of a crime. An analysis of DNA evidence from the crime scene identifies someone else as the true perpetrator when it is matched against profiles in the state's database. The innocent person is dismissed as a suspect and the true perpetrator is arrested.
  - *The innocent party is in the database* – Imagine a situation where law enforcement has DNA from a crime scene that they know belongs to the true perpetrator. Now imagine that law enforcement has identified a probable suspect, but does not have enough cause to obtain a warrant for a DNA sample from the suspect. If this suspect's profile was already in the database due to a previous non-violent conviction, law enforcement could automatically check the database and subsequently eliminate the person as a suspect. This would reduce an immeasurable amount of needless embarrassment and stress brought upon innocent persons wrongly suspected of committing horrible crimes.
4. **Cost Efficiencies** – According to a study completed by the National Institute of Justice (U.S. Department of Justice) rape is the costliest crime in America with victim costs totaling \$127 billion. The study estimated that when all factors are considered (including medical and mental health care, lost productivity and decreases in the quality of life) the estimated cost of rape *per victim* is \$87,000. If the average rapist commits 8 rapes, but a DNA databank stops the offender half way through his spree, then 4 rapes are prevented at a savings of \$348,000. We know that the federal DNA database system has matched crime scene evidence to a database profile on at least 100 sexual assault cases. If we assume that just 25% of these offenders would have committed only one more rape each, a minimum of \$2.17 million in savings would be realized.

***Virginia produces 20 "cold hits" from its DNA database in the first two months of 2000.***

*The Plain Dealer, February 29, 2000.*

***HEADLINE: "Criminals can't hide from DNA." New York City police believe DNA database will help them catch scores of violent criminals, who have a recidivism rate of 40% to 50%.***

*Daily News (New York, February 17, 2000.*

***Florida gets cold hit on an unsolved murder from offender in the DNA database for a lewd behavior conviction.***

*Sun-Sentinel (Ft. Lauderdale), March 5, 2000*

***Two separate rapists are trapped by DNA when old evidence is compared against the state's DNA database.***

*Sun-Sentinel (Ft. Lauderdale), March 5, 2000*

***HEADLINE: "DNA Bust Gives Hope to Officials." Inmate at Sing Sing is nabbed for a 1979 murder through a "cold hit" in the DNA database.***

*Daily News (New York), March 14, 2000.*

***Unsolved rape from 1993 is put to rest when Georgia's DNA database matches crime scene evidence to an offender in jail for five other rapes.***

*The Atlanta Journal and Constitution, March 17, 2000.*

***Arkansas gets "cold hit" from a hair sample recovered from the scene of a burglary. DNA extracted from the hair matched a sample from an offender registered in the state's DNA database.***

*The Arkansas Democrat-Gazette, April 8, 2000.*

***The FBI's CODIS makes a "cold hit" linking a Florida resident to a 1995 murder in Iowa.***

*The Associated Press State & Local Wire, April 25, 2000.*

***California's DNA database leads to arrests when three "cold hits" are made on previously unidentified rapists and murderers.***

*The Los Angeles Times*

**Consolidated Fiscal Note – 2001-02 Session****Bill #:** S0191-0 **Complete Date:** 02/14/01**Title:** FELONY OFFENDERS DNA ANALYSIS REQMNT

<b>Fiscal Impact</b>	<b>Yes</b>	<b>No</b>
State	X	
Local	X	
Fee/Departmental Earnings		X
Tax Revenue		X

**Agencies:** Public Safety Dept (01/30/01)  
Public Defense Board (02/02/01)  
Sentencing Guidelines Comm (01/25/01)

Supreme Court (02/02/01)  
Corrections Dept (02/12/01)

This table reflects fiscal impact to state government. Local government impact is reflected in the narrative only.

Dollars (in thousands)	<b>FY01</b>	<b>FY02</b>	<b>FY03</b>	<b>FY04</b>	<b>FY05</b>
<b>Net Expenditures</b>					
General Fund	0	0	0	0	0
Public Safety Dept		2,150	1,457	1,457	1,457
Corrections Dept		64			
<b>Revenues</b>					
-- No Impact --					
<b>Net Cost &lt;Savings&gt;</b>					
General Fund	0	2,214	1,457	1,457	1,457
Public Safety Dept		2,150	1,457	1,457	1,457
Corrections Dept		64			
<b>Total Cost &lt;Savings&gt; to the State</b>	0	2,214	1,457	1,457	1,457

	<b>FY01</b>	<b>FY02</b>	<b>FY03</b>	<b>FY04</b>	<b>FY05</b>
<b>Full Time Equivalents</b>					
General Fund	0.00	9.00	8.00	8.00	8.00
Public Safety Dept		8.00	8.00	8.00	8.00
Corrections Dept		1.00			
<b>Total FTE</b>	0.00	9.00	8.00	8.00	8.00

**Consolidated EBO Comments**

Note that the agencies and, in particular, Dept of Corrections, have assumed that only one-time costs would be involved as in future years, it is assumed at all Minnesota offenders coming to prison would have already provided a DNA specimen to the county of commitment under subdivision 1 of the bill.

EBO Signature: NORMAN FOSTER  
Date: 02/14/01 Phone: 215-0594



**Fiscal Note – 2001-02 Session****Bill #:** S0191-0 **Complete Date:** 01/30/01**Title:** FELONY OFFENDERS DNA ANALYSIS REQMNT

<b>Fiscal Impact</b>	<b>Yes</b>	<b>No</b>
State	X	
Local	X	
Fee/Departmental Earnings		X
Tax Revenue		X

**Agency Name:** Public Safety Dept

This table reflects fiscal impact to state government. Local government impact is reflected in the narrative only.

Dollars (in thousands)	<b>FY01</b>	<b>FY02</b>	<b>FY03</b>	<b>FY04</b>	<b>FY05</b>
<b>Expenditures</b>					
General Fund		2,150	1,457	1,457	1,457
<b>Less Agency Can Absorb</b>					
-- No Impact --					
<b>Net Expenditures</b>					
General Fund		2,150	1,457	1,457	1,457
<b>Revenues</b>					
-- No Impact --					
<b>Net Cost &lt;Savings&gt;</b>					
General Fund		2,150	1,457	1,457	1,457
<b>Total Cost &lt;Savings&gt; to the State</b>	0	2,150	1,457	1,457	1,457

	<b>FY01</b>	<b>FY02</b>	<b>FY03</b>	<b>FY04</b>	<b>FY05</b>
<b>Full Time Equivalents</b>					
General Fund		8.00	8.00	8.00	8.00
<b>Total FTE</b>	0.00	8.00	8.00	8.00	8.00

## **Bill Description**

This bill expands the scope of the DNA analysis law, amending Minnesota Statutes 2000 section 609.117, to include all felony offenses.

## **Assumptions**

The Supreme Court Research and Evaluation estimates that there were 15,000 adult convictions and 6,000 juveniles adjudicated delinquent for felony offenses in 2000 (actual numbers for 1999 were 14,773 adults and 5,775 juveniles). The Department of Corrections has 2,688 felons currently in custody that do not fall under the current DNA statute that would be drawn in the year the bill takes effect. DNA samples need to be taken and processed this fiscal year under current law for 1,781 felons currently in custody with the Department of Corrections. Under the current law the BCA is receiving about 4,000 samples. Therefore this legislation would result in an additional 17,000 samples a year. Handling this increase will be extremely difficult in the current BCA facility. The new BCA facility slated to be completed in the fall of 2003 is designed to accommodate this type of increase in DNA convicted offender database samples.

## **Expenditure and/or Revenue Formula**

### **Fiscal Note-DNA Offender Database**

Salary, Fringe, & Insurance	Quantity	FY02	FY03
Forensic Science Supervisor	1.00 FTE	74,099	76,329
Forensic Scientist 2	5.00 FTE	309,024	318,325
Evidence Specialist	2.00 FTE	90,137	92,850
Furniture	3,000 (8X)	24,000	----
Office Rent	3,650 (8X)	29,200	29,200
Telephone	864 (8X)	6,912	6,912
Computer	2,950 (8X)	23,600	----
DNA Software	5,000 (6X)	30,000	----
ABI 310	62,500 (1X)	62,500	----
Sequencer	130,000 (2X)	260,000	----
Service	10,000 (2X)	20,000	20,000
Thermocycler	10,000 (2X)	20,000	----
Robotics	130,000 (1X)	130,000	----
Training	2,000 (6X)	12,000	12,000
Server	15,000 (1X)	15,000	----
DNA Kits	\$3 FY 2002 (19,688)	59,064	
	\$3 FY 2003 (17,000)		51,000
Sample Costs	\$50 FY 2002 (19,688)	984,440	
	\$50 FY 2003 (17,000)		850,000
TOTALS		2,149,976	1,456,616

#### **Long-Term Fiscal Considerations**

Costs would continue beyond FY 2005.

#### **Local Government Costs**

The cost of drawing the blood sample that is required for DNA testing falls to the local jurisdiction (those not committed to DOC). We are estimating that this costs locals between \$20 and \$50 per individual depending on the jurisdiction and local arrangements with medical facilities.

#### **References/Sources**

MN Supreme Court, Research & Evaluation (Heidi Green)  
MN Dept. of Corrections, Office of Research and Evaluation (Laura Mortell)  
MN Dept. of Public Safety, BCA Laboratory

Agency Contact Name: Frank Dolejsi 651 642-0704  
FN Coord Signature: FRANK AHRENS  
Date: 01/30/01 Phone: 296-9484

#### **EBO Comments**

I have reviewed this Fiscal Note for accuracy and content.

EBO Signature: NORMAN FOSTER  
Date: 01/30/01 Phone: 215-0594

**Fiscal Note – 2001-02 Session****Bill #:** S0191-0 **Complete Date:** 02/02/01**Title:** FELONY OFFENDERS DNA ANALYSIS REQMNT

<b>Fiscal Impact</b>	<b>Yes</b>	<b>No</b>
State		X
Local		X
Fee/Departmental Earnings		X
Tax Revenue		X

**Agency Name:** Supreme Court

This table reflects fiscal impact to state government. Local government impact is reflected in the narrative only.

Dollars (in thousands)	<b>FY01</b>	<b>FY02</b>	<b>FY03</b>	<b>FY04</b>	<b>FY05</b>
<b>Expenditures</b>					
-- No Impact --					
<b>Less Agency Can Absorb</b>					
-- No Impact --					
<b>Net Expenditures</b>					
-- No Impact --					
<b>Revenues</b>					
-- No Impact --					
<b>Net Cost &lt;Savings&gt;</b>					
-- No Impact --					
<b>Total Cost &lt;Savings&gt; to the State</b>					

	<b>FY01</b>	<b>FY02</b>	<b>FY03</b>	<b>FY04</b>	<b>FY05</b>
<b>Full Time Equivalents</b>					
-- No Impact --					
<b>Total FTE</b>					

**Bill Description**

SF 191 requires the court to order a person convicted or adjudicated of a committing or attempting to commit a felony offense to provide a biological sample for DNA analysis.

**Assumptions**

The court will incorporate the requirement into the sentencing procedure without the requirement of additional time or cost.

**Expenditure and/or Revenue Formula****Long-Term Fiscal Considerations****Local Government Costs****References/Sources**

FN Coord Signature: JUDY REHAK

Date: 02/01/01 Phone: 297-7800

**EBO Comments**

I have reviewed this Fiscal Note for accuracy and content.

EBO Signature: JIM KING

Date: 02/02/01 Phone: 296-7964

**Fiscal Note – 2001-02 Session****Bill #:** S0191-0 **Complete Date:** 02/02/01**Title:** FELONY OFFENDERS DNA ANALYSIS REQMNT

<b>Fiscal Impact</b>	<b>Yes</b>	<b>No</b>
State		X
Local		X
Fee/Departmental Earnings		X
Tax Revenue		X

**Agency Name:** Public Defense Board

This table reflects fiscal impact to state government. Local government impact is reflected in the narrative only.

Dollars (in thousands)	<b>FY01</b>	<b>FY02</b>	<b>FY03</b>	<b>FY04</b>	<b>FY05</b>
<b>Expenditures</b>					
-- No Impact --					
<b>Less Agency Can Absorb</b>					
-- No Impact --					
<b>Net Expenditures</b>					
-- No Impact --					
<b>Revenues</b>					
-- No Impact --					
<b>Net Cost &lt;Savings&gt;</b>					
-- No Impact --					
<b>Total Cost &lt;Savings&gt; to the State</b>					

	<b>FY01</b>	<b>FY02</b>	<b>FY03</b>	<b>FY04</b>	<b>FY05</b>
<b>Full Time Equivalents</b>					
-- No Impact --					
<b>Total FTE</b>					

This bill version has no fiscal effect on our agency.

FN Coord Signature: KEVIN KAJER

Date: 02/01/01 Phone: 349-2565

**EBO Comments**

I have reviewed this Fiscal Note for accuracy and content.

EBO Signature: JIM KING

Date: 02/02/01 Phone: 296-7964



**Fiscal Note – 2001-02 Session****Bill #:** S0191-0 **Complete Date:** 02/12/01**Title:** FELONY OFFENDERS DNA ANALYSIS REQMNT

<b>Fiscal Impact</b>	<b>Yes</b>	<b>No</b>
State	X	
Local	X	
Fee/Departmental Earnings		X
Tax Revenue		X

**Agency Name:** Corrections Dept

This table reflects fiscal impact to state government. Local government impact is reflected in the narrative only.

Dollars (in thousands)	<b>FY01</b>	<b>FY02</b>	<b>FY03</b>	<b>FY04</b>	<b>FY05</b>
<b>Expenditures</b>					
General Fund		64			
<b>Less Agency Can Absorb</b>					
-- No Impact --					
<b>Net Expenditures</b>					
General Fund		64			
<b>Revenues</b>					
-- No Impact --					
<b>Net Cost &lt;Savings&gt;</b>					
General Fund		64			
<b>Total Cost &lt;Savings&gt; to the State</b>	0	64	0	0	0

	<b>FY01</b>	<b>FY02</b>	<b>FY03</b>	<b>FY04</b>	<b>FY05</b>
<b>Full Time Equivalents</b>					
General Fund		1.00			
<b>Total FTE</b>	0.00	1.00	0.00	0.00	0.00

### **Bill Description**

S.F. 191-0 expands the scope of the DNA analysis law, amending Minnesota Statutes 2000, section 609.117, and is effective July 1, 2001.

- Subdivision 1: Requires that a DNA specimen be provided by any person charged with committing or attempting to commit a felony offense who is convicted of that offense or of any offense arising out of the same set of circumstances; and any person petitioned for committing or attempting to commit a felony offense who is adjudicated delinquent for that offense or any offense arising out of the same set of circumstances.
- Subdivision 2 requires the commissioner of corrections or local corrections authority to obtain a DNA specimen from persons before their term of imprisonment is completed.
- Subdivision 3 requires that acceptance of offenders for interstate community supervision be conditional upon their supplying a DNA specimen.

### **Assumptions**

- Subdivision 2 applies to adult inmates only (per Ken Backus).
- Minnesota-sentenced offenders coming to state prison will have already provided a DNA specimen to the court at the time of sentencing, per subdivision 1. Therefore, the bill would impact the corrections department's existing adult inmate population only.
- Under current law, offenders convicted of certain specified offenses are already required to provide a DNA specimen **before release from prison** (approximately 3,522 of the current adult prison population of 6,210). Expansion of the bill would mean the remaining population (2,688) would also need to provide a sample prior to release.
- The corrections department would obtain specimens based on the inmate's release date, covering all affected inmates within a one-year period. (Based on 2,080 working hours per year. Two to three specimens can be obtained in one hour, depending on security level of and access to offenders. Also allows for travel time, associated paperwork, and other tasks.)
- DNA specimen kits are obtained from the Bureau of Criminal Apprehension (BCA) at no charge. Costs to the corrections department for obtaining specimens from inmates would include a phlebotomist or other qualified health care professional to make the blood draws and complete paperwork, supplies such as alcohol and swabs (absorbed by department), and the cost of mailing the kit to the BCA.
- Subdivision 3 applies to adults only. Approximately 1,000 offenders are accepted each year for community supervision under the interstate compact. Of that number, 30 percent are supervised by the state and 70 percent by local corrections authorities. For the majority of interstate cases, the cost of obtaining the DNA specimen would be charged to the offender.

### **Expenditure and/or Revenue Formula**

	<i><b>FY 02</b></i>
One full-time phlebotomist at \$20/hour plus salary, fringe	\$55,328
Travel costs	\$5,000
Mailing costs (2,688 kits at \$1.25 per kit)	<u>\$3,360</u>
Total	\$63,688

### **Long-Term Fiscal Considerations**

Minimal on the state corrections department, **based on the assumption that all Minnesota offenders coming to prison would have already provided a DNA specimen to the county of commitment under subdivision 1 of the bill.** The only offenders who may need to provide a specimen in future years would be those accepted in the state prison system under the provisions of the interstate compact.

However, if offenders committed to state prison arrive without having provided a sample to the county of commitment, this would greatly impact the Minnesota Department of Corrections into future years. In FY2000, there were 3,086 new prison commitments of which the great majority had not provided a DNA specimen to the county of commitment. If this continues, the department would need to continue the services of a phlebotomist beyond FY02.

**Local Government Costs**

Local government and correctional authorities would be affected by all subdivisions of this legislation.

**References/Sources**

Ken Backhus, Senate Counsel & Research.

Minnesota Bureau of Criminal Apprehension staff (James T. Iverson, Forensic Scientist Supervisor, Biology Section).

Minnesota Department of Corrections staff.

FN Coord Signature: SHARI BURT

Date: 02/08/01 Phone: 603-0142

**EBO Comments**

I have reviewed this Fiscal Note for accuracy and content.

EBO Signature: JIM KING

Date: 02/12/01 Phone: 296-7964

**Fiscal Note – 2001-02 Session****Bill #:** S0191-0 **Complete Date:** 01/25/01**Title:** FELONY OFFENDERS DNA ANALYSIS REQMNT

<b>Fiscal Impact</b>	<b>Yes</b>	<b>No</b>
State		X
Local		X
Fee/Departmental Earnings		X
Tax Revenue		X

**Agency Name:** Sentencing Guidelines Comm

This table reflects fiscal impact to state government. Local government impact is reflected in the narrative only.

Dollars (in thousands)	<b>FY01</b>	<b>FY02</b>	<b>FY03</b>	<b>FY04</b>	<b>FY05</b>
<b>Expenditures</b>					
-- No Impact --					
<b>Less Agency Can Absorb</b>					
-- No Impact --					
<b>Net Expenditures</b>					
-- No Impact --					
<b>Revenues</b>					
-- No Impact --					
<b>Net Cost &lt;Savings&gt;</b>					
-- No Impact --					
<b>Total Cost &lt;Savings&gt; to the State</b>					

	<b>FY01</b>	<b>FY02</b>	<b>FY03</b>	<b>FY04</b>	<b>FY05</b>
<b>Full Time Equivalents</b>					
-- No Impact --					
<b>Total FTE</b>					

***Using Sentencing Guidelines data, the commission cannot determine the total number of offenders impacted by this bill. Sentencing Guidelines monitoring data indicate that an additional 8,767 offenders sentenced in adult court for felony offenses would be required to supply DNA specimens under the provisions of this bill. The MSGC data does not include any information on the number of offenders currently incarcerated in state prisons or the number of additional juveniles that would be required to comply.***

#### **Bill Description**

This bill expands the number of offenders required to supply a biological specimen for DNA analysis. Currently only offenders convicted of certain specified crimes or juveniles adjudicated delinquent for those specified offenses are required to provide specimens. Under the provisions of this bill, all offenders sentenced for a felony offense of any kind and all juveniles adjudicated delinquent for any felony offense would be required to supply DNA specimens. Similarly, such specimens would be required to be collected from offenders serving a term of imprisonment for any felony offense who had not supplied such a specimen before being imprisoned rather than just from offenders sentenced for certain specified offenses. This bill is effective July 1, 2001 and applies to offenders sentenced, released from incarceration, or accepted for supervision on or after that date.

#### **Number of New Offenders Required to Comply**

Sentencing Guidelines only has information on the number of offenders sentenced for felony offenses in adult court. No information is available on the number of juvenile offenders are adjudicated delinquent for felony offenses each year, or what proportion of them are currently required to supply DNA specimens. Sentencing Guidelines also does not have information on the number of current prison inmates who would be required to supply specimens.

According to MSGC monitoring data there were 10,634 offenders sentenced for felony level offenses in 1999. Eighteen percent of these offenders (1,867) are currently required to supply DNA specimens based on their conviction offense. Therefore, this bill would result in approximately an additional 8,767 offenders a year who are convicted of felony offense being required to supply DNA specimens.

FN Coord Signature: SUE CARTER  
Date: 01/25/01 Phone: 296-5127

#### **EBO Comments**

I have reviewed this Fiscal Note for accuracy and content.

EBO Signature: JIM KING  
Date: 01/25/01 Phone: 296-7964

**SENATOR DAVE KLEIS**

Assistant Minority Leader  
107 State Office Building  
100 Constitution Avenue  
St. Paul, MN 55155-1206  
Phone: (651) 296-6455  
Fax: (651) 296-9441  
E-Mail: sen.dave.kleis@senate.leg.state.mn.us  
Website: www.davekleis.com

P.O. Box 6201  
St. Cloud, MN 56302  
Phone: (320) 253-9535



**Senate**

**State of Minnesota**

May 4, 2001

Michael W. Champion, Superintendent  
Bureau of Criminal Apprehension  
1246 University Avenue  
St. Paul, MN 55104

Dear Superintendent Champion:

As you may know, I introduced a bill in the Senate which expands the scope of the DNA analysis law. The bill I authored, Senate File 191, requires all persons who are charged with committing or attempting to commit a felony offense to provide a biological specimen for the purpose of DNA analysis. Although my bill did not receive a hearing this year in the Senate, I intended to offer an amendment which would require a study on the expansion of the DNA analysis law. I thought I would write you and request the Bureau of Criminal Apprehension to complete a study rather than put this request in law.

I would appreciate if the Bureau of Criminal Apprehension would study the efficacy of the DNA analysis statute codified in Minnesota Statutes, section 609.117. I would prefer that the study analyzes the advantages and disadvantages of expanding the statute to include additional offenses, including expanding the statute as proposed in Senate File 191. I would also like the study to consider how other states address the issue of DNA collection.

I would appreciate if you could send a report on the study to me by January, 2002. Also, please distribute the report to the chairs and ranking minority members of the Senate and House committees and divisions having jurisdiction over criminal justice policy and funding. Be sure to include the results of the study and any recommendations to the Legislature on the issue.

I appreciate your cooperation in this matter. I look forward to seeing the results of this study.

Sincerely,

Dave Kleis  
State Senator



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