

**FISCAL IMPACT OF PROPOSED LEGISLATION**

**Measure: HB 2309**

82nd Oregon Legislative Assembly – 2023 Regular Session

Legislative Fiscal Office

*Only Impacts on Original or Engrossed Versions are Considered Official*

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**Measure Description:**

Requires law enforcement agencies to take DNA sample of person arrested for certain crimes.

**Government Unit(s) Affected:**

Department of Revenue, Oregon Youth Authority, District Attorneys, Judicial Department, Public Defense Services Commission, Department of State Police, Department of Justice, Counties, Cities, Criminal Justice Commission

**Summary of Fiscal Impact:**

Costs related to the measure may require budgetary action - See analysis.

**Summary of Expenditure Impact:**

	<b>2023-25 Biennium</b>	<b>2025-27 Biennium</b>
<b>Department of State Police</b>		
<b>Other Funds</b>		
Personal Services	\$1,095,241	\$1,251,710
Services and Supplies	\$65,625	\$75,000
<b>Total Fiscal Impact</b>	<b>\$1,160,866</b>	<b>\$1,326,710</b>
<i>Total Positions</i>	5	5
<i>Total FTE</i>	4.40	5.00

**Analysis:**

The measure requires law enforcement agencies to immediately collect a blood or buccal sample of a person arrested for a person felony, a sex crime, or burglary in the first degree, unless the law enforcement agency or Oregon State Police (OSP) has previously obtained a sample, or it could cause a substantial and unreasonable risk to the health of the person. The measure requires law enforcement agencies to transmit the sample to OSP and authorizes the Department to analyze the sample during or immediately following the arrest, or at any time thereafter, in accordance with procedures established by OSP.

In addition, the measure expands ORS 137.300 to include allocations from the Criminal Fines Account (CFA) for the purpose of collection and analysis of blood and buccal samples; however, CFA allocations are only made to state agencies. The measure takes effect 91 days after adjournment sine die of the 2023 legislative session.

The Legislative Fiscal Office (LFO) notes that any modifications to the statutory allocations from the CFA could have an impact on state agency budgets that rely on CFA funding and impact the available General Fund revenues for state budget purposes, as all undistributed CFA revenue is deposited into the General Fund.

Oregon State Police (OSP)

The estimated fiscal impact of the measure is \$1.2 million Other Funds and five positions (4.40 FTE) for the 2023-25 biennium and \$1.3 million Other Funds and five positions (5.00 FTE) for the 2025-27 biennium. OSP reports the agency currently has one Forensic Scientist that performs all DNA sampling, and the measure will

significantly increase the number of samples transmitted to the Department. OSP anticipates needing three Forensic Scientist 1 positions to perform DNA analysis and record DNA samples in the Combined DNA Index System and two Administrative Specialist 2 positions to maintain DNA sample profiles and data collected. The measure does not include Other Funds expenditure limitation to allow OSP to expend funds received from the CFA.

#### Public Defense Services Commission (PDSC)

The fiscal impact to PDSC is indeterminate. The expansion of DNA collection for all felony person crime, sex crime, or burglary 1 crime arrests on or after the effective date of the measure would begin to result in an increase in pre-trial motion challenges related to the acquisition and admissibility of the DNA evidence in court, which may require the hiring of a DNA expert. If ruled to be admissible by the court, PDSC would likely need to retain a DNA expert to evaluate and perhaps testify on the DNA evidence at trial or on appeal. PDSC is unable to estimate either the additional time required by public defenders or the additional cost of hiring DNA experts.

#### Counties

The fiscal impact to counties is indeterminate. Counties report that the measure will significantly increase the number of DNA samples that local law enforcement agencies will collect, and additional DNA sampling kits will be needed and paid for by counties

#### Other Agencies

There is a minimal fiscal impact for the Oregon Judicial Department and Department of Justice. There is no fiscal impact for the Oregon Youth Authority, Criminal Justice Commission, Department of Revenue, or District Attorneys.

This measure has a subsequent referral to the Joint Committee on Ways and Means for consideration of its budgetary impact on the Criminal Fines Account and the state's General Fund.