

February 7, 2013

The Honorable John Rubin, Chairperson
House Committee on Corrections and Juvenile Justice
Statehouse, Room 151-S
Topeka, Kansas 66612

Dear Representative Rubin:

SUBJECT: Fiscal Note for HB 2120 by House Committee on Corrections and Juvenile Justice

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2120 is respectfully submitted to your committee.

Currently, any person convicted as an adult or adjudicated as a juvenile offender because of the commission of any felony or a misdemeanor offense listed in the statute, regardless of the sentence imposed, is required to submit specimens of blood, or an oral, or other biological sample authorized by and given to the Kansas Bureau of Investigation (KBI). This also applies to adults and juveniles who are ordered to be institutionalized, as a result of being convicted or adjudicated, as noted above or who are presently confined as a result of such conviction or adjudication in any state correctional facility or county jail. The sample is to be collected within ten days after sentencing or adjudication.

HB 2120 would amend current law to provide that any adult arrested or charged or any juvenile placed in custody or charged with the commission of any of the felonies listed in the bill, regardless of the sentence imposed, would be required to submit biological samples authorized and given to the KBI. The bill would require the sample to be acquired at the same time as the person is fingerprinted pursuant to the booking procedure. The court also may order a person to submit a sample upon conviction or adjudication for any crime.

The kits, supplies, and instructions for collecting the samples would be provided by the KBI. Also, any offender who is incarcerated would submit a sample prior to final discharge or conditional release. Along with custodial law enforcement agencies, the bill would require juvenile justice agencies to search the Kansas criminal history files to determine if the sample is on file with the KBI, prior to taking any samples. The bill would prohibit any DNA samples from being accepted for admission or comparison, unless obtained in substantial compliance with the provisions of the bill by an accredited forensic laboratory meeting the National DNA Index Guidelines established by the Federal Bureau of Investigation. Finally, failure of any court, law enforcement, or juvenile justice agency to strictly comply with this act would not

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constitute grounds for challenging the validity of the collection and use of the sample as provided, or for the exclusion of evidence based upon, or derived from any sample taken.

The Office of Judicial Administration states the provisions of HB 2120 could have a fiscal effect on expenditures of the Judicial Branch. However, until the courts have had an opportunity to operate under the provisions of HB 2120, an accurate estimate of the fiscal effect on the Judicial Branch cannot be estimated. Enactment of HB 2120 would have no fiscal effect to the Juvenile Justice Authority or the KBI. Any fiscal effect associated with HB 2120 is not reflected in *The FY 2014 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven J. Anderson", with a long horizontal flourish extending to the right.

Steven J. Anderson, CPA, MBA
Director of the Budget

cc: Linda Durand, KBI
Mary Rinehart, Judiciary
Marcy Watson, JJA
Melissa Wangemann, KAC
Larry Baer, LKM