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## FISCAL IMPACT REPORT

ORIGINAL DATE 02/10/11  
 LAST UPDATED 03/01/11 HJM 35/aHJC

SPONSOR Stewart

SHORT TITLE Study DNA Collection by Law Enforcement SB \_\_\_\_\_

ANALYST Segura

### APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY11	FY12		
	None		

(Parenthesis ( ) Indicate Expenditure Decreases)

### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY11	FY12	FY13	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
<b>Total</b>		Minimal				unknown

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Department of Public Safety (DPS)  
 Administrative Office of the Courts (AOC)

#### Responses Not Received From

Administrative Office of the District Attorney  
 Public Defender Office  
 Attorney General Office

### SUMMARY

#### Synopsis of HJC Amendment

House Joint Memorial 35 was amended by the House Judiciary Committee on February 11, 2011. The roll call vote was 13 for, 0 against.

The most significant part of the amendment to HJM 35 is the addition of the City of Albuquerque Police Department to participate in the task force. HJM35/a continues to mandate

## **House Joint Memorial 35/aHJC – Page 2**

the Secretary of Public Safety to convene a task force and conduct a study to improve the process of submission of biological material by law enforcement agencies to forensic laboratories and of records from forensic laboratories to the DNA administrative center. A report by the task force on the findings and recommendations on how to ensure that state law is being followed shall be presented to the appropriate interim legislative committee by October 2011.

### Synopsis of Original Bill

House Joint Memorial 35 requests the Secretary of Public Safety to convene a task force to study whether all of the state's law enforcement agencies are collecting and submitting biological material from sexual assault victims in a timely and uniform manner and whether qualifying records are being entered into the National Index System.

### **FISCAL IMPLICATIONS**

According to Department of Public Safety, a task force may require minimal expenses to coordinate and train law enforcement agencies around the state.

Also, the forensic laboratories may experience budget constraints due to additional case work.

### **SIGNIFICANT ISSUES**

The Department of Public Safety indicates that the task force would have to determine number of untested assault kits outstanding and the reason for them not been turned over to forensic lab. The benefit of testing all sexual assault evidence kits, is the ability of the DNA database to link potential serial rape cases or link to other criminal activity.

### **PERFORMANCE IMPLICATIONS**

In addition, DPS states that the task force could be instrumental in creating a cooperative effort to assist law enforcement agencies develop a standard plan.

### **ADMINISTRATIVE IMPLICATIONS**

Would be incorporated within the current responsibilities of the department.

RS/svb