



Ohio Legislative Service Commission

Jamie L. Doskocil

Fiscal Note & Local Impact Statement

Bill: Sub. S.B. 268 of the 129th G.A. **Date:** February 1, 2012
Status: As Reported by Senate Judiciary **Sponsor:** Sen. Eklund

Local Impact Statement Procedure Required: No

Contents: DNA testing of individuals charged with a felony offense but not arrested

State Fiscal Highlights

- The Office of the Attorney General, specifically the Bureau of Criminal Identification and Investigation (BCII), will likely experience a slight increase in annual expenditures related to the DNA testing of individuals charged with a felony offense but not arrested.

Local Fiscal Highlights

- The number of new DNA samples that will be required to be taken by local law enforcement agencies under the bill is likely to be minimal compared to the number already required to be taken under current law. Any increase in administrative costs for the courts and local law enforcement to ensure that these DNA samples are taken is expected to be negligible annually.

Detailed Fiscal Analysis

The bill requires that a DNA sample be taken from individuals (1) charged with a felony but not arrested or (2) whose DNA sample related to a felony offense was not taken as required under current law and a court becomes aware of that fact. In these situations, the court is required to order the individual to appear before the sheriff or chief of police of the county or municipal corporation in which the person resides within 24 hours and to then submit to a DNA sample collection procedure.

Under current law, those arrested for a felony offense are already required to have a DNA sample taken, as well as those convicted of a felony.¹ Therefore, the number of new DNA samples that will be required to be taken under the bill is likely to be minimal compared to the number already required to be collected by local law enforcement agencies. Any increase in administrative costs for the courts and local law enforcement to ensure that a sample is taken are expected to be negligible annually.

The Office of the Attorney General, specifically the Bureau of Criminal Identification and Investigation (BCII), will likely experience an increase in expenditures related to the DNA testing of individuals charged with a felony offense but not arrested. However, since this office is already charged with performing these duties for those arrested for felony offenses as well as those who are ultimately convicted and sentenced, any increase will likely be minimal annually.

The bill also codifies procedures for the removal of DNA records from electronic databases and the sealing of those records when ordered by a court. According to testimony presented to the Senate Judiciary Committee, and confirmed by representatives of BCII, this provision simply codifies current practice, per agreements in place between the Office of the Attorney General and the FBI. Therefore, any increase in workload, perhaps due to wider knowledge of the availability of this procedure, is expected to be absorbed within existing workload and staffing of BCII.

¹ The requirement that individuals arrested for a felony offense submit a DNA sample became effective July 1, 2011 and was enacted by Am. Sub. S.B. 77 of the 128th General Assembly.