

SCS SB 789 -- DNA PROFILING

SPONSOR: Kraus (Cox)

COMMITTEE ACTION: Voted "do pass" by the Committee on Judiciary by a vote of 10 to 0.

This substitute changes the laws regarding DNA profiling analysis. In its main provisions, the substitute:

(1) Changes when a surcharge is assessed for deposit into the DNA Profiling Analysis Fund to include all criminal cases, except traffic violations, in which the defendant is found guilty. Currently, it is assessed in all criminal cases, except traffic violations, in which the defendant pleads guilty or nolo contendere to or is convicted;

(2) Removes the provision requiring the moneys collected by the surcharge to be deposited into the General Revenue Fund if the state's general revenue did not increase by 2% or more and extends the expiration date to August 28, 2019, regarding the assessment of the surcharge;

(3) Specifies that the moneys deposited into the DNA Profiling Analysis Fund are to be used by the State Highway Patrol Crime Laboratory for the purposes of the DNA Profiling System;

(4) Requires any person subject to DNA collection and profiling analysis to provide a DNA sample at the time of registering as a sexual offender;

(5) Specifies that when a DNA sample is taken from an arrestee for any offense under Section 650.055.1(2), RSMo, and the prosecutor declines prosecution, the arresting agency must notify the crime laboratory within 90 days of warrant refusal and the crime laboratory must expunge from the database all DNA records and destroy the DNA sample taken at the arrest for which the prosecutor declined prosecution unless the crime laboratory determines that the person is otherwise obligated to submit a DNA sample for any other qualifying offense or arrest that would require a sample to be taken and retained; and

(6) Defines "expunge" as to destroy an individual's DNA sample and the removal of the DNA record from the state DNA database.

FISCAL NOTE: Estimated Net Effect on General Revenue Fund of an income of \$0 or a cost of \$1,166,666 in FY 2013, an income of \$0 or a cost of \$233,333 in FY 2014, and an income of \$0 in FY 2015. Estimated Net Income on Other State Funds of \$0 or \$1,166,666 in FY 2013, \$1,166,666 or \$1,400,000 in FY 2014, and \$1,400,000 in

FY 2015.

PROPONENTS: Supporters say that the bill changes the funding of the DNA program. In 2005 the program was expanded to include samples from all those convicted of a felony. This increased by tenfold the amount of samples being collected. They have to seek supplemental appropriations when they lose their funding. The program is too important to lose funding. They have cleared cold homicides and sexual offenses through the use of these DNA samples. Only one other statute in Missouri has this type of funding language. It needs to be corrected.

Testifying for the bill were Senator Kraus; and Missouri State Highway Patrol Crime Lab.

OPPONENTS: There was no opposition voiced to the committee.