

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION
SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1197

2007 HOUSE JUDICIARY

HB 1197

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1197

House Judiciary Committee

Check here for Conference Committee

Hearing Date: 1/16/07

Recorder Job Number: 1150

Committee Clerk Signature



Minutes:

Chairman DeKrey: We will open the hearing on HB 1197.

Rep. Klemin: Sponsor of the bill (see attached testimony). The fiscal note really didn't explain how the figures were arrived at. Apparently, this would include building a new state crime lab. I know that in the past we did send these DNA samples out of state for testing. I thought there was a new DNA lab that was being built at NDSU or one of the schools. Maybe there are some alternatives that we can look at as to what the actual fiscal effect is. That is something that would probably be best addressed in the Appropriations Committee if this committee determines that its policy should be looking at DNA arrestees for getting testing. I might also suggest that there are a number of other states that have passed these DNA arrestee bills. I've got some other information that I handed out to you.

Rep. Griffin: On the bottom of page 2, where the new language has been added, is it where the defendant was not convicted, is it going to be up to the court whether the DNA records be released.

Rep. Klemin: Under our existing law, that's the way it is. The additional language only puts arrests into the same standard. I need to mention also that this afternoon we have another bill that's going to be heard that I've introduced at the request of the district courts and Judge

Wefeld is planning to attend and testify that amends section 31-13-07 to provide that instead of having an expungement that the court records would be sealed. We need to have this requirement of the removal of DNA profiles from the database because federal law says that in order for us to be able to use the national database system, as I understand it, if we don't have a provision provided for expungement of identifiable information in the database if a person is not convicted, then we're not going to be able to use the national database system. So, the way our law is right now, as I understand it, is sufficient under the federal law. We do have a process for expungement, which under that other bill will be sealed.

Rep. Koppelman: I think we're all sympathetic with the intent of the bill, and many of us have supported and/or participated in enacting the current laws that we have on the books as you know, relative to DNA testing. I'm curious though when you talk about the idea of requiring this testing for everyone that is arrested for any kind of a felony, and then you have the provision that Rep. Griffin was just asking about, that says if you're not convicted it would probably be expunged. What's the point. The current provision is, if you are convicted you're going to give a sample, and the new provision is that you give it upon arrest. If you're acquitted, it will probably go away, isn't that a lot of cost to do this.

Rep. Klemin: Well, that's actually the way it works under the federal law right now. Federal law requires a DNA sample from arrestees for federal crimes. The expungement comes if they're not convicted. The whole point of this thing of DNA fingerprint, is to put it into the database to see if it matches anything else. If it doesn't and they're not convicted of the crime they were arrested for, it's expunged.

Rep. Koppelman: The other thought that occurs to me, and I understand that people are arrested for felonies are probably are some folks that we should keep an eye on. On the other hand, not all people arrested for felonies are convicted, sometimes because there's not

enough evidence there, and sometimes because they are innocent. If we are saying that we are going to profile everybody that's arrested for felony, where does that stop. Do we then move and say that everybody who is arrested for a misdemeanor needs to have the test taken. Maybe, at some point, we should do the whole population because after all, we might get a hit somewhere, somebody who could live three doors down.

Rep. Klemin: The subject of defective DNA fingerprinting on civil liberties has been a philosophical discussion that's been going on across the country for some time now. There are states that do have DNA testing for people who are arrested for commission of misdemeanors. There are states that have DNA testing for persons who are convicted of misdemeanors. We don't have that. Another situation might be that somebody is arrested for a commission of a felony in ND but they are convicted of a misdemeanor, that doesn't go into our database right now. We don't take a test unless they are convicted of a felony. England tests everybody. There are some countries that are doing this population testing sometimes. It is an issue that's been discussed and being discussed, and probably will continue to be discussed. There are some court cases that have looked at whether the DNA fingerprinting of an arrestee goes beyond reasonable search and seizure under the 4th amendment of the constitution. Some courts have held that there must be a determination of probable cause to do that. Some courts have upheld the constitutionality of that. I believe that a majority of the courts that have looked at this have upheld the constitutionality, but there are some that haven't. North Dakota was one of the last states to pass on all felons' law. I hope we won't be the last to pass a state DNA arrestee law. It is a process that's ongoing. I should mention that I just read an article about DNA testing, the testing seems to be advancing. Hope Olson, the state crime lab person, could answer some questions about the costs, etc. There is a new methodology which has now come out that's going to be used by Homeland Security that reduces

the time to about 2-5 minutes instead of the days it takes now for the test results to come in. Hopefully that will become available soon.

Rep. Koppelman: Is the cost coming down on the tests. Also, you mentioned earlier that you were aware of some states that test arrestees of violent crimes. Did you look into that, and would that substantially reduce the fiscal note.

Rep. Klemin: I just saw the fiscal note this morning. The fiscal note doesn't give us a whole lot of information as to how they came up with the numbers. I don't know what the current cost of a DNA kit is, it used to be around \$30. Whether that cost has come down recently, I don't know. I don't know what the cost of the new test would be either.

Rep. Koppelman: Is there any way to find that out. Would the cost be less if we just tested arrestees of violent crimes vs. all other felonies. I wonder what the fiscal impact on that would be.

Rep. Klemin: In the fiscal note, it doesn't say how the figures were arrived at. They must have used some formula. I hope they didn't ask how much a new crime lab going to cost and here's what it is.

Rep. Meyer: How many people were arrested last year for a felony.

Rep. Klemin: I think Tom Trenbeath has some information on that.

Tom Trenbeath, AG's office: The figures that I have been told, that felony arrests are approximately 5,000 across the state. That seems like a lot, but total arrests across the state are about 29,000.

Rep. Griffin: Do you know what the conviction rate is?

Tom Trenbeath: I don't know, I'm sure it is determinable.

Chairman DeKrey: Are you going to testify for the bill, Tom.

Tom Trenbeath: I will be testifying, neutral.

Rep. Klemin: I might say, Rep. Griffin, that a number of those people who are arrested for a commission of a felony are already in the system, have been before and had their DNA sample taken. As you will see, in the language of HB 1197, they are not required to do it again. So there is going to be duplication of people that won't need a second test. This will only affect arrests for brand new felons. There are a number of people already in the system.

Rep. Kretschmar: Have any of the courts looked at the issue of an arrestee giving DNA and it be a violation of the 5th amendment of the constitution, where you're not required to testify against yourself.

Rep. Klemin: I'm not sure if they addressed that issue or not. I know they looked at it from the standpoint of the 4th amendment, but I don't know about the 5th amendment. In my opinion, off the cuff, it's no difference than taking regular fingerprints.

Rep. Kretschmar: Taking something from your body is different from fingerprints.

Rep. Klemin: I couldn't tell you that. I'm sure that if there were an argument to be made, somebody would make it.

Rep. Boehning: If you've already given a DNA sample and you're arrested again, do you have to give another sample.

Rep. Klemin: If you're already in the system, there's no reason to take another test.

Chairman DeKrey: Thank you. Further testimony in support of HB 1197. Testimony in opposition. Testimony neutral.

Tom Trenbeath, Chief Deputy AG, state of ND: I'm not necessarily here in support of the bill, but maybe to provide a little information. The first bit of information I will tell you, is that I think Rep. Klemin has done an excellent job of identifying the issues with respect to this bill.

The AG is in support of any legislation that enhances the public safety of the citizens of the state of ND, within the bounds of both federal and state constitutions and within our capabilities

to support the legislation. So we have identified the issues of constitutionality as have been discussed here briefly and those have gone both ways across the country. Still and all, having just reviewed in a cursory fashion, the way those challenges have gone across the country, we are still in support of the concept of this legislation. The numbers given are a little tricky, because they are not exact. You can't say that there's going to be 5,000 of these done a year, all you can say is that 5,000 felony arrests, approximately, some of those might be multiple felonies for one arrest, some of those might be re-arrests of convicted felons, where their DNA would already be in the database. I guess what I am here to say, is that 5,000 number is probably a high number. That means that the fiscal note is probably a high number. However, I think there is a misconception with respect to the number in the fiscal note. That does not include any additional space that might be required for the lab. The initial one that was generated made a stab at that and we discarded it and said we want to know what the possibility of hard costs would be, recognizing that there may be some additional expense involved in building the lab that we might require to accommodate this, as well as other legislation. We have a DNA lab now, we have funds from our last biennium and are seeking additional funds to either add on to the existing lab or build a new building. So the fiscal note doesn't have exact numbers with respect to the actual cost of doing DNA tests. We are reasonably exact on that. I thought Hope would be here this morning, so she could recite some of those costs. Those costs are determinable, just the number they are applied to is what's off.

Rep. Meyer: Do you know the cost of the DNA kit.

Tom Trenbeath: I don't.

Rep. Meyer: I was just wondering on the fiscal note, when this comes down like this, how they arrived at this fiscal note.

Tom Trenbeath: That's what I was trying to explain. The formula is pretty exact as far as the hard costs of each individual test. The soft number is the number of tests that you can do. I'm suggesting that the 5,000 is probably on the high end.

Chairman DeKrey: I think we will probably have to get Kathy Roll in here to explain it to us. It says the expenditures include the cost of DNA test kits, software, IT consulting services needed to implement this legislation. Two FTE's and an genetic analyzer. The expenses will be from the general fund. The cost of building space, based on determination of the crime lab project location is unknown at this time. I think before we act on the bill, we need to kind of research what Rep. Koppelman was talking about. I'm sure there are plenty of felons out there that don't involve physical violence towards anybody and whether we can save enough money by not testing those people that don't seem to be prone to violence.

Tom Trenbeath: The other area to look at more closely, is the area that Rep. Klemin mentioned with respect to expungement and whether or not that would be a mandatory expungement. The way it's phrased now, it would seem to have some judicial discretion on whether to expunge. My understanding of the Justice for All act of 2004, would require expungement if there wasn't a conviction, or we wouldn't be able to participate in that. We might want to get some more definitive answers.

Chairman DeKrey: Thank you. Further testimony in support/opposition? We will close the hearing.

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1197

House Judiciary Committee

Check here for Conference Committee

Hearing Date: 1/24/07

Recorder Job Number: 1850

Committee Clerk Signature *Maureen Penrose*

Minutes:

Chairman DeKrey: We will take a look at HB 1197.

Rep. Klemin: To refresh your recollection, this is the bill that would require a DNA test from any person arrested and who's charged with a felony. It's called a DNA arrestee bill, which has been passed in a number of states, as I explained in my previous testimony. It seems to be the direction that the country is going to help us try and solve crimes through collecting DNA. Statistics show that people who commit crimes before, a lot of them commit crimes again. In fact, recidivism rates from what I've seen from materials, federal criminal justice statistics show that 70% of those people convicted have already been convicted before of something. In ND, the recidivism rate, or the number of people that are arrested and charged and convicted of a felony, about 23% of them, I'm told" have previously been convicted and would have already had a DNA sample taken. The bill is supported by the AG's office, which is also in charge of the Crime Lab, and hence the fiscal note impact. I went over to the Crime Lab and I talked to the Director, and quite honestly there is no room for any more testing over there. There is no room for any more equipment, no room for an additional person in there to do this work, they have a refrigerator full of about 2,000 DNA samples that they haven't tested yet from persons that have been convicted and they lost one of their forensic scientists. They

are estimating that there would be about 5,000 people arrested and charged with a felony per year in ND, of about 30,000 people arrested in total. Some of those people would have already had a DNA sample taken, some of them wouldn't. It would take another five refrigerators to store these DNA samples. They do have an appropriation request for another building which would take care of the problem with room. Regardless of how one feels about this, whether we should do it or not, as a practical matter, they can't do it. There is no place to do it. They received an appropriation for a new crime lab for an addition on to the one that they already have in the last session. That money was \$3.6 million dollars or something like that, and it wasn't sufficient after the bids came in, because they share the same building with the lab from the Dept. of Health and in they put an addition on, they'd have to make a lot of other changes to the other half of the building too, such as ventilation and fire sprinklers, etc. These additional items drove up the cost a lot. That place is really crowded. There just isn't any room. So when they got the bids back, they didn't have enough money to do what they wanted to, and the proposed building would have been too small. So they have an appropriation request in to the Legislature this time again, which is in appropriations for another amount, which is being considered and there also looking at the possibility of building their own building somewhere up by the Bureau of Criminal Investigation; where the Highway Patrol Offices are, rather than down where they are at now. There isn't enough room to build another building there. So what I've done is that I've prepared an amendment to HB 1197 to provide that this bill would become effective on August 1, 2009. The benefit of doing it this way, is that now the State Crime Lab and the AG's office would have the ability to work another forensic scientist and this additional equipment that they needed into the plans for the building that they are going to build if Appropriations grants their request. Secondly, it would also provide the opportunity and the time for them to apply for appropriate federal grants.

There are federal grant monies available, that is how they got some of the analyzer equipment that they have now, through federal DNA grants. By putting this into the 2009, they would be able to work the cost of doing this into their grant requests for the federal government to take up part of the cost of this equipment that they need. This equipment is very expensive. Even the software to run it is very expensive, as is the licenses. I guess another thing that is on there to require them to have to do this, they would have to get another forensic scientist as I mentioned; they had two, they lost one that took another job out-of-state. They can't find anybody to fill the opening they've got, so requiring them to fill another opening isn't going to make much sense either, even if they had a place to put that person. I propose that we amend this bill to become effective on August 1, 2009. That will also have the affect of taking the fiscal note, which was reduced to \$682,000 for this biennium. A lot of this would be covered by federal money if they apply for the grants. If we pass it with this amendment that would drop the fiscal note down close to zero for this next biennium because we wouldn't be doing anything, this would just wait until after the next session.

Chairman DeKrey: Are we obligating the future legislature.

Rep. Klemin: I don't think we are, because a future legislature is going to have to look at the appropriation for this.

Chairman DeKrey: This bill would not fund a future legislature.

Rep. Klemin: The 2009 legislature is going to have to fund this and by that time, hopefully they will have their building, by the way, is supposed to be coming on-line and constructed in 2009. So this kind of fits into their plans, where they would have the building, they would have the room, and they would be able to apply for federal grants to get the equipment to take out part of this cost. I think if we get to 2009 and the appropriations committee says that we don't have the money, or maybe we will, then certainly they can't fund it. Or this could come back

and we could look at the effective date again. Since this won't have gone into effect by the time we meet again in the next legislative session, we could repeal it without having implemented it at all. But the benefit of doing it now, with that kind of effective date, is that it puts into process all the planning that goes into what you need for the building, equipment, personnel and federal grants, etc. I am moving the amendment.

Rep. Kretschmar: Seconded.

Rep. Boehning: Can we still take the DNA samples and store them for the two years.

Chairman DeKrey: He's saying that there isn't any room.

Rep. Klemin: They would need five refrigerators and they don't room for any more.

Chairman DeKrey: We will take a voice vote. Motion carried. We now have the bill before us as amended.

Rep. Delmore: I still have some questions about anybody who is arrested for any felony. Privacy is something that people are very concerned about. How many states have actually done this and have there been any challenges at all. I have supported all of your DNA testing bills before, and I didn't have a problem with that because it was conviction; things were in place and so on. But arrested for something, still no matter what people tell us, I like to believe that people are innocent until proven guilty. If I am proven guilty of something and they want body fluids from me, that's one thing. But I just think it goes farther than I can go.

Chairman DeKrey: Further discussion.

Rep. Koppelman: I made a note during the testimony, that some states do testing only on those arrested for the commission of violent crimes. Did you testify to that, Rep. Klemin.

Rep. Klemin: Yes, I suggested that to the Crime Lab and they said it would just be simpler if they did them all, instead of trying to figure out which ones were which.

Rep. Griffin: I just don't think it's right that if someone is found not guilty, that they would have to petition the court to get their DNA sample destroyed. If they are found innocent, or not guilty, the court shouldn't have that power. It appears that the national standard is that they cannot do this.

Rep. Klemin: First of all, this talks about expungement and that refers to something, the court records are actually going to be sealed now. Those records are separate and distinct from the DNA profile that's actually in the database. On Page 3 it talks about the laboratory shall expunge all identifiable information in the database. That is actually a separate process that's required by federal law that gets us the grant money. So it is sort of independent of what the court does with their files. That's a computer process, basically. They take it out of the database.

Rep. Griffin: So the DNA evidence would be off.

Rep. Klemin: The DNA profile is gone, it would be deleted out. That's part of the federal requirement to get these grant funds, that you don't have these DNA profiles in the database, to confuse the issue. I would like to respond to Rep. Delmore's question about what is happening in the states. The majority of states that have not made any DNA arrests from statutes that have been challenged in court have been upheld.

Rep. Delmore: How many actual states are doing this to every single person they arrest, not convicted. I supported all the other ones.

Rep. Klemin: I think it is 12. MN has a statute like this, which was tied to probable cause and it is my understanding that the statute and they are trying to fix that. There have been a number of court challenges, most have been upheld.

Rep. Koppelman: I have agonized over this bill, I have been supportive of law enforcement efforts in this kind of testing of those who are convicted, etc. The more I look at it, you are

talking about people who are arrested for the commission of a felony. Often times it is even overreaching in an arrest. In other words, we are not even talking only about those who have been charged vs. convicted. But we are talking about those who have been arrested. Sometimes people are arrested for a felony and the officer is maybe overreaching a little bit, and the prosecutor says, that the felony charge isn't going to stick, I'm going to charge the person for a misdemeanor. So we're taking DNA on somebody who isn't going to be charged with a felony, but he was arrested on a felony. If he is acquitted and, in fact, you've taken DNA samples from somebody who's charged with a misdemeanor and not found guilty. I just think it overreaches.

Rep. Klemin: Of course, this is to find out if they have committed some other unsolved crime that they haven't been arrested for. The state of Virginia has been doing this since 2003, and their numbers have been going up exponentially every year. The federal statistics show that 70% of people arrested have been in the system before and they just found a lot of hits to other crimes for which they didn't have a suspect, from the DNA database. Incidentally, our own Crime Lab has gotten about 140 some cases pending, but they got 10 hits, they found people who have been arrested for vehicle theft, they went into Gross Sexual Imposition crimes. They recently had a homicide that they linked to a previous rape that wasn't solved, just here in ND. They've got burglary cases that they went to previous unsolved rapes. This is a fantastic tool as far as law enforcement is concerned. If you haven't committed any of these crimes, then you have nothing to worry about.

Rep. Meyer: We've seen cases in the news where it's getting a lot easier to frame someone when you leave as much hair around in the day as I do. It would be very easy to frame someone. There is the reverse situation too, where say I stole a car, I shouldn't have done it, but then if you're going to frame me for, say murder, and you take a hair off the hairbrush that

gets left or picked up, and that's the DNA that they use. If it were a conviction I wouldn't have any problem, but when you're just arrested, before you ever had a chance to prove your innocence, or your not guiltiness.

Rep. Klemin: If you recall, this is what is called Sadie's law. This relates back to the case in NM where a young woman was raped and murdered, and her body was set on fire and left in the dump. They don't know who committed that crime, but they do have a DNA profile. NM has had an DNA arrestee statute.

Rep. Onstad: It said you can't take the DNA unless they are convicted of that. So how are they going to be able to use the DNA in a case to convict somebody, if they aren't able to get a DNA sample. This is arrest, part of that arrest and evidence that leads to conviction, it seems like they would need a DNA sample. Therefore, how are they going to get it, if that is their leading piece of evidence for conviction, and they have to wait until after the conviction before they can take the DNA sample, I don't know how that is going to work.

Rep. Klemin: The DNA doesn't convict anybody. It gives law enforcement a suspect. They still have to prove that this person did it, beyond a reasonable doubt.

Rep. Koppelman: I think what Rep. Onstad is referring to is, in a case where somebody is charged, I think the court would order a DNA sample, couldn't they. If the DNA sample is taken from someone who is arrested and they are acquitted, is it destroyed, or does it stay in that database.

Rep. Klemin: No, it is expunged.

Rep. Kingsbury: I move a Do Pass as amended with a rereferral to Appropriations.

Rep. Dahl: Seconded.

Chairman DeKrey: Any further discussion? The clerk will call the roll.

10 YES 3 NO 1 ABSENT

DO PASS AS AMENDED WITH REREFER TO APPROPS.

CARRIER: Rep. Kingsbury

FISCAL NOTE

Requested by Legislative Council

03/14/2007

Amendment to: Reengrossed
HB 1197

1A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2005-2007 Biennium		2007-2009 Biennium		2009-2011 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures						\$1,114,419
Appropriations						\$1,114,419

1B. **County, city, and school district fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

2005-2007 Biennium			2007-2009 Biennium			2009-2011 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

Requires a DNA sample from each felony arrestee. The average percent of repeat arrestees from the number of arrestees to be tested are removed.

As amended, this bill becomes effective on August 1, 2009, upon receipt of federal funding to implement this act.

B. Fiscal impact sections: *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

The fiscal impact of this bill on the Office of Attorney General includes funding for 2 FTE's, operating expenses including the DNA sample kits required, genetic analyzer, and building space.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

A. Revenues: *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

N/A

B. Expenditures: *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

The federal funds expenditures for 2009-11 assume federal funds are for 23 months of the biennium. Federal fund expenditures include the cost of DNA sample kits, software and IT consulting services needed to implement this legislation, 2 FTE's, building space, and a genetic analyzer.

C. Appropriations: *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

The amount of expenditures and appropriations needed is the same. The appropriation amount was not included in the Executive Recommendation.

Name:	Kathy Roll	Agency:	Office of Attorney General
--------------	------------	----------------	----------------------------

Phone Number: 328-3622

Date Prepared: 03/16/2007

FISCAL NOTE
Requested by Legislative Council
02/13/2007

Amendment to: Engrossed
 HB 1197

1A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2005-2007 Biennium		2007-2009 Biennium		2009-2011 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures				\$634,411		\$415,451
Appropriations				\$634,411		\$415,451

1B. **County, city, and school district fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

2005-2007 Biennium			2007-2009 Biennium			2009-2011 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

Requires a DNA sample from each felony arrestee. The average percent of repeat arrestees from the number of arrestees to be tested are removed.

As amended, this bill becomes effective upon receipt of federal funding to implement this act.

B. Fiscal impact sections: *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

The fiscal impact of this bill on the Office of Attorney General includes funding for 2 FTE's, operating expenses including the DNA sample kits required, genetic analyzer, and building space, the cost of which is not known at this time based on two possible locations for the new Crime Lab building.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

N/A

B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

The federal funds expenditures for 2007-09 assume federal funds are received for 21 months biennium, to match the federal fiscal year. Federal fund expenditures include the cost of DNA sample kits, software and IT consulting services needed to implement this legislation, 2 FTE's, and a genetic analyzer. The cost of building space, based on a determination of the Crime Lab project location, is unknown at this time.

C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

The amount of expenditures and appropriations needed is the same. The appropriation amount was not included in the Executive Recommendation.

Name:	Kathy Roll	Agency:	Office of Attorney General
Phone Number:	328-3622	Date Prepared:	02/13/2007

