

FISCAL NOTE

SB 2523 - HB 3187

March 14, 2000

SUMMARY OF BILL: Permits a criminal defendant to make a motion, before the trial court that entered the judgment of conviction, for fingerprint and DNA analysis on evidence that was secured in relation to the trial which resulted in such defendant's conviction, but was not subject to testing because the technology for the testing was not available at the time of the trial or the results of the DNA analysis was not admissible in evidence at the time of the trial. If the results of the testing indicate to a statistical certainty that the defendant is innocent, the trial court shall have the authority to and shall void all convictions against the defendant for which incarceration was imposed and order the immediate release of the defendant from incarceration.

ESTIMATED FISCAL IMPACT:

**Increase State Expenditures - Exceeds \$100,000 One-Time
Less Than \$100,000 Recurring**

Other Fiscal Impact: To the extent that an individual currently incarcerated were released from incarceration as a result of the DNA analysis, there would be a decrease in state expenditures of approximately \$15,000 for each inmate released. The number of inmates that would be released cannot be determined.

Assumes:

- a significant number of the 2,500 inmates currently incarcerated who were convicted of murder, sex offenses, and other person offenses before July 1, 1991 will make a motion before the courts for such testing.
- a one-time increase in state expenditures for DNA analysis and court hearings for those inmates convicted prior to July 1, 1991. The amount of such increase will depend on the number of such cases reopened and cannot be determined but is estimated to exceed \$100,000.
- a recurring increase in state expenditures for those individuals convicted where evidence was not tested even though testing was available at the time of the trial. The recurring increase in state expenditures cannot be determined but is estimated to be less than \$100,000.

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.



James A. Davenport, Executive Director

SB 2523 - HB 3187