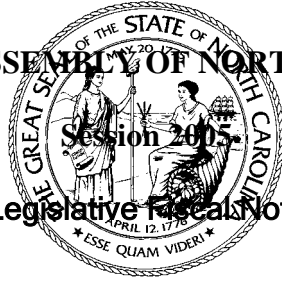


GENERAL ASSEMBLY OF NORTH CAROLINA



Legislative Fiscal Note

BILL NUMBER: House Bill 890 (Second Edition)

SHORT TITLE: Crime Lab Cost Recovery Fee.

SPONSOR(S): Representative Alexander

FISCAL IMPACT					
	Yes (X)	No ()	No Estimate Available ()		
	<u>FY 2005-06</u>	<u>FY 2006-07</u>	<u>FY 2007-08</u>	<u>FY 2008-09</u>	<u>FY 2009-10</u>
REVENUES:					
Dept. of Justice	Potential decrease in revenue – See Assumptions & Methodology				
Local Governments	Increase in revenue – estimated at \$85,000 or less per year				
EXPENDITURES:					
POSITIONS					
(cumulative):					
PRINCIPAL DEPARTMENT(S) & PROGRAM(S) AFFECTED: Department of Justice – State Bureau of Investigation; Local Governments					
EFFECTIVE DATE: July 1, 2005					

BILL SUMMARY: In cases in which the State Bureau of Investigation (SBI) performs certain lab analyses, current G.S. 7A-304(a)(7) directs judges to order that a defendant, upon conviction, pay a fee of \$300 to be remitted to the SBI. This bill would direct the court to also order the \$300 fee when these services are performed by a municipal lab if the work is equivalent to that performed by the SBI; receipts would be remitted to the general fund of the laboratory's municipality to be used for law enforcement purposes. As in current law, the fee could be reduced or waived by the court. If both the SBI and a municipal laboratory, or multiple municipal laboratories, performed lab analyses in a case, the \$300 fee would be divided among them.

ASSUMPTIONS AND METHODOLOGY:

The SBI provides laboratory services for most jurisdictions in the state. The following jurisdictions have their own crime laboratories, which process some or all of the same types of evidence as the SBI that are covered under G.S. 7A-304(a)(7):

- Charlotte-Mecklenburg: DNA, controlled substances, and blood alcohol
- City-County Bureau of Identification (Raleigh/Wake County): Controlled substances

In FY 2003-04, there were approximately 21,000 trials and guilty pleas in Criminal Superior Court for offenses likely to require lab analyses (murder, manslaughter, rape and other sex offenses, controlled substances, and impaired driving appeals). Approximately 10 percent of these cases were in judicial districts in which the municipality had the capability to process relevant lab analyses. While these figures do not take into account analyses that might be required for cases heard in District Court, we assume that the percentages would remain the same.

<u>FY 2003-04 Criminal Superior Court Cases</u>	<u>Trial/plea</u>	<u>% of Total</u>	<u>Estimated Revenue</u>
Statewide	20,979	100.0%	
Potential DNA Analyses	3,165		
Potential Drug Analyses	16,896		
Potential Blood Alcohol Analyses	918		
Mecklenburg	1,463	7.0%	\$56,970
Potential DNA Analyses	127		
Potential Drug Analyses	1,302		
Potential Blood Alcohol Analyses	34		
Wake	720	3.4%	\$28,037
Potential Drug Analyses	720		
Remaining Total (Potential SBI)*	18,796	89.6%	\$731,926

Potential DNA Analyses = murder, manslaughter, rape, other sex offenses.

Potential Drug Analyses = controlled substances offenses.

Potential Blood Alcohol Analyses = impaired driving appeals.

*SBI revenue is actual 2003-04 receipts.

We cannot determine which cases actually involved DNA, drug, or blood alcohol evidence analyzed by a crime lab, nor can we determine in which cases the SBI received a \$300 or lesser fee. Overall, however, during FY 2003-04, the SBI collected approximately \$732,000 in receipts from its lab fee. As shown in the chart above, we assume that the SBI was responsible for approximately 90 percent of the lab analyses, Mecklenburg was responsible for 7 percent and Wake for 3 percent. Under this scenario, if municipal crime labs had received the same fees as the SBI in 2003-04, they would have collected approximately \$85,000. **These figures do not take into account any cases in which multiple laboratories were involved in the analysis.**

Impact of Cost-Sharing Among Labs: There is the potential for the SBI to see a decrease in revenue as a result of this bill. This bill requires that no more than \$300 be assessed. If more than one laboratory is involved, the fee must be divided among the laboratories providing the analyses. In some court cases in both Mecklenburg and Wake counties, it is possible that the SBI will perform one type of lab analysis and the municipal laboratory will perform another type of analysis on the same case. For example, Wake County may analyze controlled substances, but send blood alcohol or DNA evidence to the SBI for analysis. **In these cases, if the court ordered a laboratory fee, the effect of this bill would be to reduce the funds allocated to the SBI.** Rather than the SBI receiving the entire fee, a portion would be allotted to Mecklenburg or Wake.

We are unable to determine the percentage of cases that would involve multiple laboratories. If, for example, five percent of the cases in Mecklenburg and Wake counties in which fees were

collected required analyses by both the municipal lab and the SBI lab, and the fees were divided equally between the labs, the SBI would see a decrease of approximately \$2,000 in revenue. If 50 percent of the cases in Mecklenburg and Wake counties in which fees were collected required analyses by both the municipal lab and the SBI lab, and the fees were divided equally between the labs, the SBI would see a decrease of approximately \$20,000 in revenue. The revenue received by the SBI is used, in part, to fund receipt-supported positions in the SBI lab.

The \$300 fee currently in statute is based on estimated costs of laboratory analyses in the SBI lab in 2002. These costs vary significantly by type of analysis – DNA testing is the most costly. We do not have information on the costs incurred by municipal labs in conducting lab analyses, and therefore cannot project how the \$300 fee would be shared among multiple labs.

SOURCES OF DATA: Administrative Office of the Courts; Department of Justice.

TECHNICAL CONSIDERATIONS: The City-County Bureau of Identification (CCBI) is a law enforcement agency that provides services to every other law enforcement agency in Wake County. It is funded by Wake County and the City of Raleigh. For the purposes of this fiscal note, we have assumed that it would be considered a municipal police laboratory.

FISCAL RESEARCH DIVISION: (919) 733-4910

PREPARED BY: Chloe Gossage

APPROVED BY: James D. Johnson, Director
Fiscal Research Division



DATE: August 9, 2005

Signed Copy Located in the NCGA Principal Clerk's Offices