

GENERAL ASSEMBLY OF NORTH CAROLINA



Legislative Fiscal Note

BILL NUMBER: House Bill 890 (Third 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:					
Local Governments	Increase in revenue – estimated at \$85,000 or less per year				
EXPENDITURES:					
POSITIONS (cumulative):					
PRINCIPAL DEPARTMENT(S) & PROGRAM(S) AFFECTED:	Local Governments				
EFFECTIVE DATE:	October 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(s) could be reduced or waived by the court.

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.

Involvement of Multiple Labs: 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, the third edition of this bill directs the court to assess a \$300 fee for the municipal lab work *in addition to* the \$300 fee payable to the SBI under current law. We are unable to determine the percentage of cases that would involve multiple laboratories.

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.

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.

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DATE: August 10, 2005

Signed Copy Located in the NCGA Principal Clerk's Offices