



## **Economic Impact Analysis Virginia Department of Planning and Budget**

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**6 VAC 40-60 – DNA Data Bank Regulations**  
**Department of Forensic Science**  
April 11, 2008

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### **Summary of the Proposed Amendments to Regulation**

The Department of Forensic Science (DFS) proposes to promulgate new regulations to establish procedures for law enforcement officers to obtain information from Virginia's DNA data bank.

### **Result of Analysis**

The benefits likely exceed the costs for all proposed changes.

### **Estimated Economic Impact**

As required by Code of Virginia §19.2-310.5, DFS proposes to promulgate current department policies for accessing DNA data bank information into regulation. These policies allow federal, state and local law enforcement officers to request information from the DNA data bank "in furtherance of an official criminal investigation of any criminal offence". DFS requires law enforcement entities to submit requests for information in writing to the data bank supervisor. DFS staff are required to verify the identity of individuals requesting information and signify on the bottom the written request that they have done this. DFS policies, and these regulations, also mandate security measures for the DNA data bank. Computers that house DNA information must be password protected and DNA samples must be stored in a locked room. Access to both computers and physic samples is limited to DFS staff "whose access is a necessary function of their jobs".

These proposed regulations will benefit DFS staff and law enforcement officers by formalizing and clarifying the rules under which DNA data may be accessed. These proposed regulations will likely also benefit the public as interested individuals will be able to access these

rules more easily. Affected entities are unlikely to incur any extra costs on account of these proposed regulations since these rules were already enforced by DFS.

### **Businesses and Entities Affected**

These regulations will affect all law enforcement entities who access the DNA data bank as well as all individuals whose DNA is in the data bank. DFS reports that they process approximately 200-300 requests for DNA data bank information each year.

### **Localities Particularly Affected**

No locality will be particularly affected by this proposed regulatory action.

### **Projected Impact on Employment**

This regulatory action will likely have no impact on employment in the Commonwealth.

### **Effects on the Use and Value of Private Property**

This regulatory action will likely have no affect on the use or value of private property in the Commonwealth.

### **Small Businesses: Costs and Other Effects**

Small businesses in the Commonwealth are unlikely to incur any costs on account of this regulatory action.

### **Small Businesses: Alternative Method that Minimizes Adverse Impact**

Small businesses in the Commonwealth are unlikely to incur any costs on account of this regulatory action.

### **Real Estate Development Costs**

This regulatory action will likely have no affect on real estate development costs in the Commonwealth.

### **Legal Mandate**

The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with Section 2.2-4007.H of the Administrative Process Act and Executive Order Number 36 (06). Section 2.2-4007.H requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities

to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. Further, if the proposed regulation has adverse effect on small businesses, Section 2.2-4007.H requires that such economic impact analyses include (i) an identification and estimate of the number of small businesses subject to the regulation; (ii) the projected reporting, recordkeeping, and other administrative costs required for small businesses to comply with the regulation, including the type of professional skills necessary for preparing required reports and other documents; (iii) a statement of the probable effect of the regulation on affected small businesses; and (iv) a description of any less intrusive or less costly alternative methods of achieving the purpose of the regulation. The analysis presented above represents DPB's best estimate of these economic impacts.