



Economic Impact Analysis Virginia Department of Planning and Budget

**6 VAC 40-60 – DNA Data Bank Regulations
Department of Forensic Science
July 2, 2011**

Summary of the Proposed Amendments to Regulation

Pursuant to a legislative mandate in § 19.2-310.5, the Forensic Science Board (Board) proposes to promulgate new regulations that will govern access to DNA databases.

Result of Analysis

Benefits likely outweigh costs for implementing these proposed changes.

Estimated Economic Impact

Currently, the Department of Forensic Science (DFS) does not have regulations that govern access to DNA databases but do have policies that are equivalent in their requirements. Pursuant to a legislative mandate, the Board now proposes to promulgate new regulations that allow police departments, the Department of Corrections (DOC), the Department of Juvenile Justice (DJJ), attorneys for the United States Department of Justice and the Office of the Chief Medical Examiner to gain access to information in the State or federal DNA databases in connection with the submission of physical evidence for forensic laboratory examination. The proposed regulations specify how law enforcement officers may submit a request for information (by mail, fax or in person) as well as mandating that information provided to DOC and DJJ be transmitted through a secure electronic exchange. The proposed regulations also specify that information requested about out-of-state forensic examinations will be governed by the Combined DNA Index System (CODIS) manual and clarifies that the rules by which criminal defendants and their lawyers may access information in DNA databanks are in Code of Virginia §9.1-1104.

Because these regulations do not vary in any substantive way from policies already in place, no affected entity is likely to incur any costs on account of this proposed regulatory action. Interested individuals will, however, benefit from these rules being promulgated into regulations that are readily available and that will not change except through an act of the General Assembly or through a Board action that is open to the public and governed by the Administrative Process Act.

Businesses and Entities Affected

DFS reports that there are currently approximately 600 law enforcement and state agencies that may submit evidence for DNA analysis.

Localities Particularly Affected

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

Projected Impact on Employment

This proposed regulatory action is unlikely to have any effect on employment in the Commonwealth.

Effects on the Use and Value of Private Property

These proposed regulatory changes are unlikely to affect the use or value of private property in the Commonwealth.

Small Businesses: Costs and Other Effects

No small business is likely to incur any costs on account of this regulatory action.

Small Businesses: Alternative Method that Minimizes Adverse Impact

No small business is likely to incur any costs on account of this regulatory action.

Real Estate Development Costs

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

Legal Mandate

The Department of Planning and Budget (DPB) has analyzed the Board 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.