

AMENDED IN ASSEMBLY MAY 27, 2016

AMENDED IN ASSEMBLY APRIL 19, 2016

AMENDED IN ASSEMBLY MARCH 17, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2440

Introduced by Assembly Member Gatto

February 19, 2016

An act to add Section 14252 to the Penal Code, relating to public safety, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 2440, as amended, Gatto. County DNA Identification Fund.

Existing law requires the Department of Justice to develop a DNA database for all cases involving the report of an unidentified deceased person or a high-risk missing person, provides for the collection of DNA samples from unidentified deceased persons and from potential sources for comparison, as specified, and requires that the database be funded by a \$2 increase on death certificates issued by a local governmental agency or by the State of California. Existing law requires a penalty of \$1 for every \$10 or part thereof to be levied in each county upon every fine, penalty, or forfeiture imposed and collected by the court for all criminal offenses, as specified. Existing law requires the county board of supervisors to establish a DNA Identification Fund in the county treasury into which the additional penalty is deposited. Existing law requires the county treasurer to transfer a specified amount from that fund to the Controller for credit to the state's DNA Identification Fund. Existing law specifies the purposes for which the remaining funds in the county's DNA Identification Fund may be used.

This bill would appropriate \$15,000,000 from the General Fund, ~~Fund~~ *Fund to the Controller for apportionment to counties based on a county's proportionate contribution to the state's DNA Identification Fund in the most recent calendar year for which information is available on January 1, 2017*, would require that money to be deposited into a county DNA Identification Fund, and would require the county treasurer to distinguish moneys collected pursuant to the bill's provisions from other moneys in the fund. The bill would require the money from the bill's provisions to be used, upon a resolution by the board of supervisors, to assist local law enforcement agencies with the investigation of specified cases involving DNA evidence. The bill would require the district attorney to publicize, as specified, when an investigation using these funds results in a solved case. Because this bill would require county officials to perform additional duties, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: $\frac{2}{3}$. Appropriation: yes. Fiscal committee: yes.
 State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 14252 is added to the Penal Code, to
 2 read:
 3 14252. (a) The sum of fifteen million dollars (\$15,000,000)
 4 is hereby appropriated from the General Fund ~~in the State Treasury~~.
 5 *to the Controller for apportionment to counties based on a county's*
 6 *proportionate contribution to the state's DNA Identification Fund,*
 7 *pursuant to paragraph (2) of subdivision (b) of Section 76104.6*
 8 *of the Government Code, in the most recent calendar year for*
 9 *which information is available on January 1, 2017. These funds*
 10 shall be deposited into a county treasury DNA Identification Fund
 11 by the county treasurer, who shall clearly distinguish moneys
 12 collected under this section from moneys collected under Section
 13 76104.6 of the Government Code, and shall be disbursed upon a

1 resolution by the board of supervisors. The objective and intent of
2 the resolution shall be to assist the county sheriff, district attorney,
3 and other local law enforcement agencies with the investigations
4 of cases described in subdivision (b).

5 (b) Funds collected pursuant to this section shall be used only
6 for the following purposes:

7 (1) To assist law enforcement agencies within the county,
8 including the sheriff and district attorney, with the identification,
9 review, and investigation of unsolved serious or violent cold cases
10 to determine if biological evidence exists that could provide a
11 DNA investigative lead to law enforcement, including, but not
12 limited to, the DNA profile of a putative suspect that could be
13 uploaded into national, state, local, or other law enforcement DNA
14 databases, and when more than three years have elapsed since the
15 date of violation of the cold case crime.

16 (2) To assist law enforcement agencies within the county,
17 including the sheriff and district attorney, with the investigation
18 of cases where crime scene biological evidence has been collected
19 and analyzed and a DNA profile that could provide an investigative
20 lead to law enforcement agencies, including, but not limited to,
21 the DNA profile of a putative suspect, has been generated and
22 uploaded into national, state, local, or other law enforcement DNA
23 databases and a DNA match has resulted in the identification of a
24 putative suspect or a match to a DNA profile from another crime
25 scene.

26 (c) The district attorney shall publicize on its Internet Web site
27 and notify the local media every time an investigation that receives
28 funding from the appropriation described in subdivision (a) results
29 in a solved case.

30 SEC. 2. If the Commission on State Mandates determines that
31 this act contains costs mandated by the state, reimbursement to
32 local agencies and school districts for those costs shall be made
33 pursuant to Part 7 (commencing with Section 17500) of Division
34 4 of Title 2 of the Government Code.

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