



**BOARD OF SUPERVISORS
AGENDA LETTER**

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: District 2, CEO
Department No.: 011, 012
For Agenda Of: December 15, 2015
Placement: Administrative
Estimated Time:
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors

FROM: Board Member Janet Wolf, Second District Supervisor
Staff Mary O’Gorman, Chief of Staff

Department Mona Miyasato, County Executive Officer (CEO)
Director
Contact Info: Martin Erickson, Deputy CEO (805) 568-3107

SUBJECT: Adoption of Resolution to Authorize Provisions of AB 434 (Logue) to Allow Additional Uses of the DNA Identification Fund Balance as codified at Cal. Gov. Code § 76104.6(b)(3)

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: Yes

Other Concurrences: N/A

Recommended Actions:

It is recommended that the Board of Supervisors:

- A. Adopt a resolution authorizing provisions of AB 434 (Logue) in accordance with Section 76104.6 of the Government Code, allowing the Board of Supervisors the authority to expend remaining DNA Identification Fund Revenues; and
- B. Determine that the above actions are organizational and administrative activities of government that are not a project under the California Environmental Quality Act (CEQA) pursuant to Section 15378(b)(5) of the CEQA Guidelines.

Summary Text:

At the March 3, 2015 Board of Supervisors (BOS) meeting your Board received a report on the County’s DNA Identification Fund (DNA ID Fund) for calendar year 2014 from the County Treasurer’s Department. Chair Wolf requested additional information regarding the balance of the DNA ID Fund, which at the time was over \$700,000, and further information about how the funds might be better used for their intended purpose. The current balance of the fund as of December 1, 2015 was \$713,000.

Adoption of this resolution will allow additional options for expenditures of the DNA ID fund balance for the District Attorney and Sheriff's Department in accordance with California Government Code (Cal. Gov. Code) Section 76104.6(b)(3)(D).

Background:

In 2004, California voters passed Proposition 69, the DNA Fingerprint, Unsolved Crime and Innocence Protection Act (the Act). The Act levied an additional penalty of one dollar (\$1) for every ten dollars (\$10), or part of ten dollars (\$10), in each county upon every fine, penalty, or forfeiture imposed and collected by the courts for all criminal offenses, including all offenses involving a violation of the Vehicle Code. Twenty-five percent (25%) of the funds collected are to be credited to the State DNA ID Fund. Cal. Gov. Code § 76104.6(b). The remaining funds are to reimburse the "local sheriff, police, district attorney, and regional and state crime reporting laboratories for expenditures and administrative costs made or incurred in connection with the processing, tracking, and storage of DNA crime scene samples." Cal. Gov. Code § 76104.6(b)(3).

In March 2005, upon request of the County Treasurer's office, the BOS authorized the Auditor-Controller to establish a DNA ID Fund. Subsequently, the Treasurer has provided the BOS annual reports detailing distribution and expenditures from the DNA ID Fund. With few exceptions, the only expenditure over those years has been \$28,500 for annual licensing of the "Livescan" fingerprinting equipment maintained by the Probation Department.

In 2011, AB 434 (Logue), was passed, and provided, in part, that if authorized by a resolution of the BOS, and after all required distributions, a local sheriff or police department, or the district attorney's office, may use funds remaining in the County's DNA ID Fund, either independently or in combination with remaining funds from another county, "to provide supplemental funding to a qualified local or regional state forensic laboratory for expenditures and administrative costs made or incurred in connection with the processing, analysis, and comparison of DNA crime scene samples and forensic identification samples, and testimony related to that analysis." Cal. Gov. Code § 76104.6(b)(3)(D)(i).

By authorizing a resolution today, the remaining funds could be utilized for the above additional purposes. Staff has met with representatives from the Sheriff, District Attorney's Office, Probation, and all are supportive of adoption of this resolution.

Attachments:

Attachment A – Resolution authorizing Provisions of AB 434 (Logue), Cal. Gov. Code § 76104.6.