

Department of Finance		Fund: 3086
STATE OF CALIFORNIA MANUAL OF STATE FUNDS		PAGE 1 Renumbered From:
<u>Legal Title</u> DNA Identification Fund		
<u>Legal Citation/Authority</u> Proposition 69, November 3, 2004 Government Code sections 76104.6 (b)(2) and 76104.7 (b)		
<u>Fund Classification</u> <u>GAAP Basis</u> Governmental/Special Revenue Funds	<u>Fund Classification</u> <u>Legal Basis</u> Governmental/Other Governmental Cost Funds	
<u>Purpose</u> For the purpose of implementing the DNA Fingerprint, Unsolved Crime and Innocence Protection Act, there is levied an additional penalty of one dollar for every ten dollars (\$10) or fraction thereof in each county which will be collected together with and in the same manner as the amounts established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code. There is also a state-only penalty of three dollars (\$3) for every ten dollars (\$10) or fraction thereof that is collected as described above. The penalty amounts will be collected by the counties and deposited into a DNA Identification Fund, established within the county treasury. This money, along with any interest earned, will be held by the county treasurer until transferred to the State Controller for credit to the State's DNA Identification Fund, as specified pursuant to Government Code sections 76104.6 (b)(2) and 76104.7 (b). The DNA Identification Fund was created within the State Treasury to deposit the penalties collected to be used by the Attorney General only to support DNA testing in the state and to offset the impacts of increased testing. Its scope was further expanded to fund the operations of all of the Department of Justice forensic laboratories.		
<u>Administering Agency/Organization Code</u> Department of Justice/Org 0820		
<u>Major Revenue Source</u> <ul style="list-style-type: none"> • Penalties - An additional penalty of one dollar for every ten dollars (\$10) or fraction thereof in each county which will be collected together with and in the same manner as the amounts established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code. • Penalties - An additional state-only penalty of three dollars (\$3) for every ten dollars (\$10) or fraction thereof in each county which will be collected together with and in the same manner as 		

the amounts established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code.

- Any interest earned while money is held by the county treasurer, will also be transferred into this fund.

Disposition of Fund (upon abolishment)

Pursuant to Government Code section 16346, in the absence of language that identifies a successor fund, any balance remaining in this fund upon abolishment shall be transferred to the General Fund.

Appropriation Authority

The money in this fund is available upon appropriation by the Legislature.

State Appropriations Limit

Always Excluded – Revenues in this fund are not proceeds of taxes and even after transfer, will never become proceeds of taxes because the major revenue source is derived from fines and penalties.

Comments/Historical Information

Initiative Statute – 2004 (Proposition 69)

Pursuant to Government Code section 76104.6 (e): "Upon approval of the DNA Fingerprint, Unsolved Crime and Innocence Protection Act, the Legislature shall loan the Department of Justice General Fund in the amount of \$7,000,000 for purposes of implementing that act."

Pursuant to Penal Code section 290.3 (b), as amended by Chapter 699, Statutes of 2008 (SB 1241), which states in part, "... 25 percent shall be transferred to the DNA Identification Fund, as established by Section 76104.6 of the Government Code...".