

Section 76104.6(a) For the purpose implementing the DNA Fingerprint, Unsolved Crime and Innocence Protection Act, there shall be levied an additional penalty of one dollar for every ten dollars (\$10) or fraction thereof in each county which shall 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, except parking offenses subject to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code. These moneys shall be taken from fines and forfeitures deposited with the county treasurer prior to any division pursuant to Section 1463 of the Penal Code. The board of supervisors shall establish in the county treasury a DNA Identification Fund into which shall be deposited the collected pursuant to this section. The moneys of the fund shall be allocated pursuant to subdivision (b).

(b)(1) The fund moneys described in subdivision (a), together with any interest earned thereon, shall be held by the county treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. Deposits to the fund may continue through and including the 20th year after the initial calendar year in which the surcharge is collected, or longer if and as necessary to make payments upon any lease or leaseback arrangement utilized to finance any of the projects specified herein.

(2) On the last day of each calendar quarter of the year specified in this subdivision, the county treasurer shall transfer fund moneys in the county's DNA Identification Fund to the state Controller for credit to the state's DNA Identification Fund, which is hereby established in the State Treasury, as follows:

(A) in the first two calendar years following the effective date of this section, seventy percent (70%) of the amounts collected, including interest earned thereon;

(B) in the third calendar year following the effective date of this section, fifty percent (50%) of the amounts collected, including interest earned thereon;

(C) in the fourth calendar year following the effective date of this section and in each calendar year thereafter, twenty-five percent (25%) of the amounts collected, including interest earned thereon.

(3) Funds remaining in the county's DNA Identification Fund shall only be used to reimburse local sheriff or other law enforcement agencies to collect DNA specimens, samples and print impressions pursuant to this chapter; for expenditures and administrative costs made or incurred to comply with the requirements of subparagraph (5) of subdivision (b) of Section 298 including the procurement of equipment and software integral to confirming that a person qualifies for entry into the Department of Justice DNA Database and Data Bank Program; and to local sheriff, police, district attorney and regional state crime laboratories for expenditures and administrative costs made or incurred in connection with the processing, analysis, tracking and storage of DNA crime scene samples from cases in which DNA evidence would be useful in identifying or prosecuting suspects, including the procurement of equipment and software for the processing, analysis, tracking and storage of DNA crime scene samples from unsolved cases.

(4) The state's DNA Identification Fund shall be administered by the Department of Justice. Funds in the state's DNA Identification Fund, upon appropriation by the Legislature, shall only be used by the Attorney General to support DNA testing in the state and to offset the impacts of increased testing and shall be allocated as follows:

(A) Of the amount transferred pursuant to subdivision (b)(2)(A), ninety percent (90%) to the Department of Justice DNA Laboratory first to comply with the requirements of Section 298.3 of the Penal Code and second for expenditures and administrative costs made or incurred in connection with the processing, analysis, tracking and storage of DNA specimens and samples including the procurement of equipment and software for the processing, analysis, tracking and storage of DNA samples and specimens obtained pursuant to the DNA and Forensic Identification Database and Databank Act, as amended, and ten percent (10%) to the Department of Justice Information Bureau Criminal History Unit for expenditures and administrative costs that have been approved by the Chief of the Department of Justice Bureau of Forensic Services made or incurred to update equipment and software to facilitate compliance with the requirements of subdivision (e) of Section 299.5 of the Penal Code.

(B) Of the amount transferred pursuant to subdivision (b)(2)(B) funds shall be allocated by the Department of Justice DNA Laboratory first to comply with the requirements of Section 298.3 of the Penal Code and second for expenditures and administrative costs made or incurred in connection with the processing, analysis, tracking and storage of DNA specimens and samples including the procurement of equipment and software for the processing, analysis, tracking and storage of DNA samples and specimens obtained pursuant to the DNA and Forensic Identification Database and Databank Act, as amended.

(C) Of the amount transferred pursuant to subdivision (b)(2)(C) funds shall be allocated by the Department of Justice to the DNA Laboratory to comply with the requirements of Section 298.3 of the Penal Code and for expenditures and administrative costs made or incurred in connection with the processing, analysis, tracking and storage of DNA specimens and samples including the procurement of equipment and software for the processing, analysis, tracking and storage of DNA samples and specimens obtained pursuant to the DNA and Forensic Identification Database and Databank Act, as amended.

(c) On or before April 1 in the year following adoption of this measure, and annually thereafter, the Board of Supervisors of each county shall submit a report to the Legislature and the Department of Justice. The report shall include the total amount of fines collected and allocated pursuant to this section, and the amounts expended by the county for each program authorized pursuant to subparagraph (3) of subdivision (b) of this section. The Department of Justice shall make the reports publicly available on the Department's website.

(d) All requirements imposed on the Department of Justice pursuant to this measure are contingent upon the availability of funding and are limited by revenue, on a fiscal year basis, received by the Department of Justice pursuant to this section and any additional appropriation approved by the Legislature for purposes related to implementing this measure.

(e) Upon approval of this measure, the Legislature shall loan the Department of Justice General Fund in the amount of \$7,000,000 for purposes of implementing this measure. This loan shall be repaid with interest calculated at the rate earned by the Pooled Money Investment

Account at the time the loan is made. Principal and interest on the loan shall be repaid in full no later than four years from the date the loan was made and shall be repaid from revenue generated pursuant to this section.

SECTION V: GENERAL PROVISIONS

(a) **Conflicting Measures:** If this measure is approved by the voters, but superseded by any other conflicting ballot measure approved by more voters at the same election, and the conflicting ballot measure is later held invalid, it is the intent of the voters that this measure shall be self-executing and be given the full force of the law.

(b) **Severability:** The provisions of this measure are severable. If any provision of this measure or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

(c) **Amendment:** The provisions of this measure may be amended by a statute that is passed by each house of the Legislature and signed by the Governor. All amendments to this measure shall be to further the measure and shall be consistent with its purposes to enhance the use of DNA identification evidence for the purpose of accurate and expeditious crime solving and exonerating the innocent.

(d) **Supplantation:** All funds distributed to state or local governmental entities pursuant to this measure shall not supplant any federal, state, or local funds that would, in the absence of this measure, be made available to support law enforcement and prosecutorial activities.