

Department of Planning and Budget

2001 Fiscal Impact Statement

1. Bill Number HB2802

House of Origin ☒ Introduced ☐ Substitute ☐ Engrossed
Second House ☐ In Committee ☐ Substitute ☐ Enrolled

2. Patron Armstrong

3. Committee H. Courts of Justice

4. Title Criminal procedure; retention of evidence.

5. Summary/Purpose:

This bill provides that in felony cases, the circuit court clerk should retain any evidence that could be subjected to forensic, scientific, or laboratory testing until the defendant's sentence is complete or the conviction is set aside. In addition, the bill provides that law enforcement agencies must retain investigation records until a convicted felon's sentence has been completed or the conviction is set aside.

6. Fiscal Impact: Yes, tentative (see #8 below).

7. Budget amendment necessary: Yes, Items 490 and C-148.

8. Fiscal implications:

This bill could result in the need for additional circuit court storage facilities. The fiscal impact upon the circuit courts cannot be determined since storage facilities vary widely, and the amount of potential evidence is not known. Overall, the amount of storage space needed may be significant in some localities. However, any additional storage costs would be the responsibility of the respective localities. In addition, the bill requires that evidence, such as those subjected to chemical analysis, also be stored. This could include illegal drugs, which may cause additional security concerns for long-term storage in a circuit court.

In addition, local law enforcement agencies and the Department of State Police may also be impacted by this bill. All law enforcement agencies would be responsible for the storage of records relating to the investigation of that crime. According to the Department of State Police, troopers investigated 17,615 felonies in 1999, and 19,720 felonies in 2000. Currently, the records are only kept for about 30 days after the close of the trial. Although some persons convicted of a felony may only be incarcerated for a short time, the number of case files that must be kept will increase annually.

The department estimates that 55 storage facilities could be needed, which includes one at each of the 48 area headquarters, as well as seven at the division offices. At this time, it is not clear how much storage space may be needed, however, the estimated cost for each 600 sq/ft storage facility is \$90,000. In addition, 55 additional positions may be needed to staff these sites in order to maintain, secure, and track the files.

The additional storage costs for the local law enforcement agencies would be the responsibility of the respective localities. However, the fiscal impact could be significant.

9. Specific agency or political subdivisions affected: The court system, local government entities, and the Department of State Police

10. Technical amendment necessary: No.

11. Other comments: The bill is unclear about what may “practicably” be retained by the clerk. Does the lack of storage space preclude “practicably?”

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cc: Secretary of Administration
Secretary of Public Safety

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