

Department of Planning and Budget 2017 Fiscal Impact Statement

1. Bill Number: HB2127

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

2. Patron: Levine

3. Committee: Courts of Justice

4. Title: Rights of victims of sexual assault; physical evidence recovery kits.

5. Summary: Requires that victims of sexual assault be advised by the investigating law-enforcement agency of their rights regarding physical evidence recovery kits. The bill requires the Division of Consolidated Laboratory Services of the Virginia Department of General Services (the Division) and law-enforcement agencies to store physical evidence recovery kits for a period of 50 years or for an additional 10 years following a written objection to the destruction from the victim. The bill requires the Division or any law-enforcement agency to notify the victim at least 60 days prior to the intended date of destruction of the kit. In accordance with existing law, the bill provides that no victim of sexual assault shall be charged for the cost of collecting a kit.

6. Budget Amendment Necessary: Yes, Item 77.

7. Fiscal Impact Estimates: Preliminary

7a. Expenditure Impact:

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Positions</i>	<i>Fund</i>
2017	0	0	
2018	\$119,520	1	General
2019	\$76,354	1	General
2020	\$78,154	1	General
2021	\$79,954	1	General
2022	\$81,754	1	General
2023	\$83,554	1	General

8. Fiscal Implications: The bill is expected to have a fiscal impact on the Division of Consolidated Laboratory Services (DCLS) of the Department of General Services (DGS). Physical evidence recovery kits (PERKs) are sent to DCLS for storage as an anonymous PERK when a victim of sexual assault who undergoes a forensic medical examination elects not to report the offense to law enforcement. The bill extends the required storage period of anonymous PERKs from two to 50 years, requires notification of the victim at least 60 days prior to the intended date of destruction, and a storage period of 10 years following the receipt of a written objection to the destruction of the anonymous physical evidence recovery kit from the victim.

The extended storage period and victim notification requirements are expected to require additional DCLS storage capacity and support for evidence accession and tracking and victim notification efforts. The number of kits stored by DCLS is estimated to increase by approximately 200 each year over the additional 48-year storage period.

The fiscal impact to DCLS is expected to be \$119,520 in FY 2018. Ongoing costs are expected to be \$76,354 beginning in FY 2019 and subsequently increase by \$1,800 per year to store 200 additional kits each year over the extended 48-year storage period. This includes \$45,000 in one-time implementation costs in FY 2018 for an evidence tracking software system and modifications to the Laboratory Information Management System. Ongoing costs include \$63,480 for one full-time equivalent position to support evidence accession and tracking for PERK kits in DCLS' possession, initiate efforts to notify victims 60 days prior to PERK destruction, and assure anonymity at the conclusion of the retention period. Ongoing costs also include VITA charges and \$2,000 per year for shelving for the annual additional of 200 kits over the extended 48-year period. Annual rental costs for a secure off-site, temperature-controlled storage facility are estimated to increase by \$1,800 per year over the extended 48-year period to expand storage for 200 additional kits per year at a cost of \$9 per square foot and 200 square feet of storage for every 200 kits.

It is possible additional staffing support may be needed after the extended 48-year period as DCLS begins efforts to contact victims prior to kit destruction as kits reach the 50-year storage period.

No fiscal impact is expected to the Department of Forensic Science (DFS), according to the agency. Any impact on the Department of State Police, Department of Health, campus police at institutions of higher education, or local law enforcement agencies is currently unknown.

- 9. Specific Agency or Political Subdivisions Affected:** The Department of General Services' Division of Consolidated Laboratory Services, Department of State Police, Department of Health, campus police at institutions of higher education, and local law enforcement agencies.

10. Technical Amendment Necessary: No.

11. Other Comments: None.