

Department of Planning and Budget 2014 Fiscal Impact Statement

1. Bill Number: SB658

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

2. Patron: Black

3. Committee: Finance

4. Title: Inventory of physical evidence recovery kits.

5. Summary: The proposed legislation requires the Department of Forensic Science to create and maintain an inventory of all physical evidence recovery kits that have not been submitted to the Department for analysis prior to July 1, 2014. The bill requires the Department to make arrangements with law-enforcement agencies to submit such physical evidence recovery kits by January 1, 2015. The bill also requires the Department to submit a report of its inventory to the General Assembly prior to the 2015 Session, and to include in its report a plan for analyzing all untested physical evidence recovery kits.

6. Budget Amendment Necessary: Yes.

7. Fiscal Impact Estimates: Revised. See Items 7a and 8.

7a. Expenditure Impact:

Fiscal Year	Dollars	Positions	Fund
2015	\$100,000	1	General fund
2016	\$1,436,000	12	General fund
2017	\$1,479,080	12	General fund
2018	\$1,523,452	12	General fund
2019	\$1,569,156	12	General fund
2020	\$1,616,231	12	General fund

8. Fiscal Implications:

According to the Department of Forensic Science (Department), this legislative proposal will have fiscal impact on the Department.

The revised estimate provided by the Department reduces the first year cost from \$150,000 to \$100,000 due to the Department's assessment that the establishment of the inventory specified in the proposed legislation can be implemented by using software that the Department currently utilizes, and therefore a standalone computer program will no longer be required.

The Department continues to estimate that at least one full-time position will be needed to define the inventory information specifications, to define the process (form and manner) of submitting applicable physical evidence recovery kits (PERKs), to work with Virginia law-enforcement agencies to ensure all kits are properly submitted in the time frame required, and to submit a report to the General Assembly summarizing the results of the inventory. The first year cost of \$100,000 includes the personnel (salary and benefits) costs of hiring an additional full-time position. The position estimate provided by the Department assumes one year reporting requirement only.

The Department has no information regarding the number of PERKs that would be submitted as a result of this legislation. Annually, the Department ships approximately 1,400 PERKs that are not returned to the agency for processing. Therefore, it is possible that thousands of kits could be submitted to the Department and included in the required inventory. Depending on the actual number of kits submitted in this process, additional personnel resources may be required to receive and process this evidence. Costs to purchase additional equipment to analyze evidence are not included in the estimates; however, depending on the actual number of additional casework, additional equipment may be needed. Furthermore, storage space may also be required to securely store evidence.

Although the bill only requires the development of a *plan* for analyzing these kits, the Department's fiscal impact assessment assumes that, ultimately, it will be required to actually analyze these PERKs for the presence of DNA. For purposes of the estimated fiscal impact, Department has assumed that 7,000 PERKs (1400 unreturned PERKs from the previous five years) would be returned. According to the Department, twelve scientists could complete testing on 7,000 PERKs in approximately 5 years. With the cost of personnel and testing supplies averaging approximately \$1000 per PERK, it would require on average approximately \$1.5 million annually for five years to fund this project as described, which includes funding for the additional scientist positions.

Finally, the legislation does not require that all PERKs collected by law-enforcement after July 1, 2014 be submitted and included in the prescribed inventory. Given this, the Department has not included any ongoing costs for increased caseload.

9. Specific Agency or Political Subdivisions Affected: Department of Forensic Science, Department of State Police, local law-enforcement agencies.

10. Technical Amendment Necessary: No.

11. Other Comments: None.

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