

Department of Planning and Budget

2017 Fiscal Impact Statement

1. Bill Number: HB2127-ER

House of Origin	<input type="checkbox"/> Introduced	<input type="checkbox"/> Substitute	<input type="checkbox"/> Engrossed
Second House	<input type="checkbox"/> In Committee	<input type="checkbox"/> Substitute	<input checked="" type="checkbox"/> Enrolled

2. Patron: Levine

3. Committee: Passed Both Houses

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 and law-enforcement agencies to store a physical evidence recovery kit for an additional 10 years following a written objection to its destruction from the victim. Law-enforcement agencies are required to store physical evidence recovery kits for a period of 10 years or until 10 years after the victim reaches the age of majority if the victim was a minor at the time of collection and must notify the victim at least 60 days prior to the intended date of destruction of the kit. The bill also provides that no victim of sexual assault shall be charged for the cost of collecting a kit, in accordance with existing law.

6. Budget Amendment Necessary: Indeterminate. See Item 8, below.

7. Fiscal Impact Estimates: Fiscal impact is indeterminate. See Item 8, below.

8. Fiscal Implications: The fiscal impact of the bill is indeterminate; as sufficient data is not currently available to estimate the number of physical evidence recovery kits (PERKs) that may be affected by the bill. The bill may have a fiscal impact on the Department of State Police and the Division of Consolidated Laboratory Services (DCLS) of the Department of General Services and would depend on the number of PERKs that would be required to be stored for an extended time period at each agency.

The bill extends the storage period at law-enforcement agencies for PERKs collected when the victim is a minor, changing the period from the greater of 10 years or two years after the victim reaches the age of majority to 10 years after the victim reaches the age of majority. The bill also requires DCLS and law-enforcement agencies to store PERKs for an additional 10 years following a written objection to its destruction from the victim.

The Department of State Police could require additional evidence storage facilities. However, storage facility requirements would depend on the number of PERKs stored by the Department that are affected by the extended storage period for minors or for which a written objection to its destruction is received from the victim. According to the Department, no historical data is available upon which such estimates can be based.

The impact on the Division of Consolidated Laboratory Services would depend on the number of written objections received from victims for PERKs stored at the lab. However, no data is available upon which to estimate the number of objections that may be received from victims. Depending on the number of objections, additional evidence storage space and staff time may be required or even evidence tracking software and modifications to the Laboratory Information Management System.

No fiscal impact is expected to the Department of Forensic Science or the Department of Health. The impact on local law enforcement agencies and campus police at institutions of higher education is indeterminate.

- 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.

Date: 2/20/2017
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