

Department of Planning and Budget 2019 Fiscal Impact Statement

1. Bill Number: HB2080H1

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

2. Patron: Watts

3. Committee: Courts of Justice

4. Title: Physical evidence recovery kit tracking system.

5. Summary: Provides that the Department of Forensic Science (DFS) shall maintain a statewide electronic tracking system for physical evidence recovery kits (PERKs). The PERK tracking system will use an assigned unique identification number to track each PERK from its distribution as an uncollected kit, to the health care provider, through its destruction. DFS shall ensure that each kit is assigned a unique identification number. The bill requires that DFS provide access to the tracking system to health care providers, law enforcement agencies, the Division of Consolidated Laboratory Services, and the Office of the Chief Medical Examiner. All such entities and agencies shall be required to enter the identification number and other information pertaining to the kits in the system as required by DFS, and to update the status and location of each kit in the tracking system whenever such status or location changes. It requires health care providers to inform sexual assault victims of their unique identification number, and to provide the victim with information regarding the tracking system. The bill provides that records in the tracking system are confidential and not subject to disclosure under the Freedom of Information Act. The bill's provisions shall become effective on July 1, 2020, and they require that information about the PERK system be reported in the Forensic Science Board's annual report that is submitted on November 1 of each year.

6. Budget Amendment Necessary: No.

7. Fiscal Impact Estimates: Preliminary. See below.

8. Fiscal Implications: There is no immediate anticipated fiscal impact on the Department of Forensic Science (DFS) as a result of the provisions of this bill. According to DFS, the agency has received a federal grant to implement the PERK tracking system, and to support a position to maintain the statewide database. The grant will expire on September 30, 2019. DFS anticipates it will receive a one-year extension to continue the grant funding through FY 2020. However, it is currently unknown if the federal grant will be available beyond FY 2020. DFS anticipates that the earliest it could potentially need additional funding is FY 2021.

There is no anticipated fiscal impact on the Department of Medical Assistance Services (DMAS), the Department of Health (VDH), or the Office of the Chief Medical Examiner

(OCME) as a result of the provisions of this proposed legislation. There is no material fiscal impact on the Department of Social Services (DSS) for this bill. There is no anticipated fiscal impact on the Division of Consolidated Laboratory Services within the Department of General Services (DGS). There is also no anticipated fiscal impact on the State Corporation Commission (SCC).

There is no anticipated fiscal impact on the Department of State Police (VSP).

Any potential fiscal impact on local law enforcement agencies or private healthcare providers is unknown at this time.

9. Specific Agency or Political Subdivisions Affected: Department of Forensic Science, Health care providers, Department of State Police, Local law enforcement agencies, Department of General Services, State Corporation Commission, Department of Health, Department of Medical Assistance Services, Department of Social Services.

10. Technical Amendment Necessary: No.

11. Other Comments: None.