

Department of Planning and Budget

2023 Fiscal Impact Statement

1. Bill Number: HB2150

House of Origin ☒ Introduced ☐ Substitute ☐ Engrossed

Second House ☐ In Committee ☐ Substitute ☐ Enrolled

2. Patron: Delaney

3. Committee: Courts of Justice

4. Title: Trace evidence collection kit.

5. Summary: Provides for the collection, retention, and storage of a trace evidence collection kit or anonymous trace evidence collection kit collected as part of a forensic medical examination of a victim of strangulation, the procedures for which parallel existing procedures for physical evidence recovery kits (PERKs) collected for victims of sexual assault.

6. Budget Amendment Necessary: Yes. Item 422.

7. Fiscal Impact Estimates: Preliminary. See Item 8 below.

8. Fiscal Implications: According to the Courts, PERKs are currently paid for using the Criminal Fund. If the proposed kits used to collect strangulation evidence are also to be paid using the Criminal Fund, there is likely to be a material fiscal impact as a result of the proposed legislation. However, any potential fiscal impact on the Criminal Fund cannot be determined at this time.

According to data provided by the Virginia Criminal Sentencing Commission (VCSC), there were 259 strangulation convictions in the Commonwealth in fiscal year 2017, 270 convictions in 2018, 311 in 2019, 289 in 2020, 294 in 2021, and 331 in 2022. The Office of the Executive Secretary reported that there were 2,402 arrest warrants issued for strangulation in 2018, 2,647 in 2019, 2,631 in 2020, 2,626 in 2021, and 2,683 in 2022. Additionally, according to data provided to DFS by Bon Secours, which has the largest Sexual Assault Nurse Examiner (SANE) program in the Commonwealth, they saw 346 strangulation patients in 2022, and 33 percent had not made a report to law enforcement.

According to the Department of Forensic Science (DFS), the agency would need to design, procure, and distribute kits to hospitals with sexual assault nursing units. DFS must then analyze samples from the kits when they are submitted. The agency's current PERK tracking system can be modified using existing resources to also track strangulation kits.

Based on the data from the VCSC and data obtained by DFS, the agency estimates it would need 2,000 trace evidence kits for distribution per year, and that approximately half of those would be submitted to DFS for DNA testing. Each kit costs approximately \$8; the agency expects to spend approximately \$16,000 per year on strangulation kits. DFS estimates it would need an additional five positions to analyze the expected additional 1,000 cases per year. This includes three forensic scientist biologists at a total cost of \$271,155 annually (\$90,385 per position) and two forensic scientists at a total cost of \$270,400 annually (\$135,200 per position). These positions would also require approximately \$65,164 in laboratory supplies (DNA reagent kits) annually.

9. Specific Agency or Political Subdivisions Affected: Department of Forensic Science and Courts.

10. Technical Amendment Necessary: No.

11. Other Comments: None.