Department of Planning and Budget
2023 Fiscal Impact Statement

1. **Bill Number:** HB2150ER

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

2. **Patron:**   Delaney

3. **Committee:** Passed both Houses

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. It provides that a law enforcement agency that receives a trace evidence collection kit may submit it to the Department of Forensic Science for analysis in its discretion to support a prosecution.

6. **Budget Amendment Necessary**: Indeterminate.

7. **Fiscal Impact Estimates:** Final. See Item 8 below.

8. **Fiscal Implications:** The amended legislation provides that a trace evidence collection kit may be submitted to the Department of Forensic Science (DFS) for analysis in its discretion to support a prosecution.

   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, because the number of future submissions is unknown, any potential fiscal impact on the Criminal Fund cannot be determined at this time.

   According to 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.

   The agency estimates it may need 2,000 trace evidence kits for distribution per year; however, it estimates that approximately 150 of those would be submitted to DFS for DNA testing based on the amended legislation. Each kit costs approximately $8; the agency

expects to spend approximately $16,000 per year on strangulation kits. If, as DFS estimates, 150 kits are submitted for analysis each year, the agency may need an additional forensic scientist position ($135,200 annually for salary and benefits) to handle the additional workload. The position would also require approximately $9,774 in laboratory supplies (DNA reagent kits) annually.

However, the exact impact on DFS as a result of this proposed legislation is indeterminate at this time.

This document is being updated to reflect information received from the Division of Consolidated Laboratory Services (DCLS) within the Department of General Services (DGS). According to DCLS, it may be required to store approximately 1,850 trace evidence collection kits annually, based on DFS' estimates that it will distribute 2,000 kits per year but only analyze 150 for DNA evidence. DCLS would be required to store the kits for an initial two years, and an additional ten years if the victim submits a written request, according to the provisions of the bill. DCLS estimates that if it is required to store 1,850 kits per year, it would need an additional scientist position (at a cost of $104,900 annually, including salary, benefits, VITA costs, and office rental costs), additional storage space ($60,000 annually in leasing costs), and secure courier transport ($4,800 annually). One-time costs would include $50,000 in software updates for its trace evidence data system, $65,000 for shelving units, and $3,700 for IT equipment and furniture for the new position. However, the exact impact on DCLS as a result of this proposed legislation is not known at this time as it is unknown how many kits it will receive.

9. **Specific Agency or Political Subdivisions Affected:** Department of Forensic Science, Department of General Services, and Courts.

10. **Technical Amendment Necessary:** No.

11. **Other Comments:** None.