

Department of Planning and Budget

2022 Fiscal Impact Statement

1. Bill Number: SB658

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

2. Patron: McClellan

3. Committee: Courts of Justice

4. Title: Physical evidence recovery kits; victim's right to notification; storage.

5. Summary: Provides that for physical evidence recovery kits (PERK) that were (i) collected by the Office of the Chief Medical Examiner (OCME) as part of a routine death investigation, and OCME and the law enforcement agency agree that analysis is not warranted, (ii) determined by the law enforcement agency not to be connected to a criminal offense, (iii) connected to an offense that occurred outside of the Commonwealth and not transferred to the relevant law enforcement agency, or (iv) another law enforcement agency has taken over responsibility for the investigation but the PERK has not been transferred to the other law enforcement agency, the law enforcement agency that initially received the PERK shall store it 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. After the mandatory retention period, the law enforcement agency may destroy the PERK or may elect to retain it for a longer period of time. The bill also requires the relevant law enforcement agency to inform the victim, parent, guardian, or next of kin of the unique identification number assigned to the PERK utilized by the health care provider, and to provide information regarding the PERK Tracking System, unless such disclosure would interfere with the investigation or prosecution of the offense, in which case such person shall be informed of the estimated date on which information may be disclosed, if is known.

6. Budget Amendment Necessary: No.

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

8. Fiscal Implications: The Department of State Police (VSP) estimates a one-time fiscal impact for this bill of \$7,000 for the purchase of refrigeration units to store PERKs for the required time periods. It is expected that this minimal cost can be absorbed using the agency's existing resources. There is no fiscal impact on the Department of Forensic Science (DFS), the Division of Capitol Police, the Department of Motor Vehicles, or the Office of the Chief Medical Examiner (OCME). Any potential fiscal impact on other state and local law enforcement agencies is indeterminate at this time.

9. Specific Agency or Political Subdivisions Affected: Office of the Chief Medical Examiner, Department of State Police, State and Local law enforcement agencies.

10. Technical Amendment Necessary: No.

11. Other Comments: This bill is a companion to HB719.