

Department of Planning and Budget

2022 Fiscal Impact Statement

1. Bill Number: SB658S1

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

2. Patron: McClellan

3. Committee: Judiciary

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

5. Summary: Provides that when a state or local law enforcement agency has taken over responsibility for the investigation related to a physical evidence recovery kit (PERK), unless certain exceptions are met, the PERK shall be transferred to the new law enforcement agency, which shall submit the PERK to the Department of Forensic Science (DFS) within 60 days of receipt from the original receiving law enforcement agency. For PERKs that meet certain exceptions as provided in the proposed legislation that are not transferred to a law enforcement agency outside of the Commonwealth or to a new law enforcement agency in the Commonwealth that has taken over responsibility for the investigation, the agency that received the kit 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, whichever is longer. After this time period, the law enforcement agency may destroy the kit or, in its discretion, retain it for a longer period of time. The law enforcement agency must notify the victim, parent, guardian, or next of kin of the unique identification number assigned to the PERK utilized by the health care provider and the personal identification number required to view the status of the kit, and shall provide information regarding the PERK Tracking System, unless doing so would interfere with the investigation or prosecution of the offense. In that case, such person shall be informed of the estimated date on which the information may be disclosed, if 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, State and Local law enforcement agencies.

10. Technical Amendment Necessary: No.

11. Other Comments: This bill is a companion to HB719H1.