

**COMMONWEALTH OF KENTUCKY STATE FISCAL NOTE STATEMENT  
LEGISLATIVE RESEARCH COMMISSION  
2016 REGULAR SESSION**

**MEASURE**

2016 BR NUMBER **0317**

**SENATE** BILL NUMBER **63**

RESOLUTION NUMBER \_\_\_\_\_

AMENDMENT NUMBER \_\_\_\_\_

**SUBJECT/TITLE** **An ACT relating to Evidence, making an appropriation therefor, and declaring an emergency.**

**SPONSOR** **Senator Harper Angel**

**NOTE SUMMARY**

FISCAL ANALYSIS:  IMPACT     NO IMPACT     INDETERMINABLE IMPACT

LEVEL(S) OF IMPACT:  STATE     LOCAL     FEDERAL

BUDGET UNIT(S) IMPACT: **Department of Criminal Justice Training**

FUND(S) IMPACT:  GENERAL  ROAD  FEDERAL  RESTRICTED AGENCY \_\_\_\_\_  OTHER

**FISCAL SUMMARY**

FISCAL ESTIMATES	2015-2016	2016-2017	2017-2018	ANNUAL IMPACT AT FULL IMPLEMENTATION
<b>REVENUES</b>				
<b>EXPENDITURES</b>		\$5,000,000		
<b>NET EFFECT</b>		(\$5,000,000)		

( ) indicates a decrease/negative

**MEASURE'S PURPOSE:**

The purpose of this measure is to reduce the time that it takes the Kentucky State Police Central Laboratory to complete a DNA analysis of a single sexual assault kit from the current eight month turnaround time to 90 days, by July 1, 2018. In addition, the provisions of this bill mandate that the Central Laboratory must provide for the completion of DNA analysis of a single sexual assault kit within 60 days, by July 1, 2020.

The language provisions also dictate that the Kentucky State Police must receive all sexual assault evidence within five days of notice from the collecting facility that the evidence is available for retrieval.

The bill also mandates the establishment of a process of notifying the victim of evidence collection and whether a DNA match has been found.

The proposed language also requires the Kentucky State Police (KSP) to annually report to the Legislative Research Commission the average completion rate for the immediately preceding

five fiscal years.

In addition, the secretary of the Justice and Public Safety Cabinet is authorized to approve the expedited purchase of laboratory equipment required to fulfill the mandates of the bill in the event of equipment failure by circumventing the Finance Cabinet's competitive bidding process for acquisition and repair of equipment.

Finally, \$5 million from the Kentucky Law Enforcement Foundation Program Fund (KLEFPF) is utilized for the purchase of laboratory equipment in FY 2017.

**PROVISIONS/MECHANICS:**

Amend KRS 15.440 to require law enforcement agencies to have approved policies on the disposition of sexual assault evidence collection kits; amend KRS 17.175 to set processing timelines for state police forensic laboratory processing of sexual assault evidence collection kits and to authorize expedited repair and procurement authority to meet those deadlines; include noncodified language authorizing a one-time transfer of money from the Kentucky Law Enforcement Foundation Program fund to the Department of Kentucky State Police to add additional evidence processing capacity at the state's criminal forensic laboratories;  
EMERGENCY.

**FISCAL EXPLANATION:**

Section 2 of this legislation mandates that the Kentucky State Police Central Laboratory complete a DNA analysis of a single sexual assault kit in 90 days, by July 1, 2018. In addition, the provisions of this bill dictate that the Kentucky Central Laboratory shall provide for the completion of DNA analysis of a single sexual assault kit within 60 days, by July 1, 2020. To accomplish this, Section 3 provides for \$5 million from the KLEFPF to be used for capital purchases of equipment in FY 2017.

Further, the needs of the Central Laboratory appear to include more than just equipment purchases, according to information provided by the Central Laboratory to Budget Review Staff. Specifically, it was indicated that personnel are needed to meet the mandates of SB 63. Additional personnel will increase the baseline appropriation of the Central Laboratory which would need to be funded in future biennia if those services are to be maintained over time. As written, the Central Laboratory will only have the authority to spend the funds on capital purchases and is unlikely to meet either the 90 day turnaround timeframe, or the 60 day turnaround timeframe unless personnel, additional space, equipment, and the replacement of equipment are all provided for. This assumption is based on the assertions of the Central Laboratory that all of the aforementioned items are needed to accomplish the mandates of SB 63.

It is worth noting that while the contents of the bill require a 90 day turnaround time by July 1, 2018 and a 60 day turnaround time by July 1, 2020, the Central Laboratory has signaled that the same expenses are required for a 60 day or 90 day turnaround time. According to the Central Laboratory, the distinguishing factor is the amount of time that it will take to meet these mandates. Specifically, the Central Laboratory has estimated the timeframe to be between four and five years.

Directly following this and based on information provided by the Central Laboratory that posits that four to five years are needed to meet these mandates, Budget Review Staff has calculated the following costs:

	<b>Five Year Estimate</b>	<b>Four Year Estimate</b>
Personnel Costs	\$2.5 million	\$2 million
Additional Space	\$375,000	\$300,000
Equipment	\$1.1 million	\$1.1 million
Replace Equipment Every Seven Years (Pro-rated)	\$766,500	\$613,200
<b>Total</b>	<b>\$4.7 million</b>	<b>\$4 million</b>

Therefore, if the Central Laboratory does in fact take five years to meet these mandates, then nearly all of the \$5 million appropriation contained in Section 3 will be utilized. However, if the Central Laboratory takes the minimal estimate of four years to meet these mandates, then only \$4 million of the \$5 million appropriated would be utilized to enact the provisions of SB 63. Again, language restricts the use of any of the \$5 million to capital equipment purchases in FY 2017, so only equipment may be provided for with the appropriation contained in Section 3. This means that the Central Laboratory will be about \$2.9 million short on funding for personnel and additional space based on the five year estimate and will be about short \$2.3 million on funding based on the four year estimate. Too, any equipment that needs to be replaced beyond FY 2017 will not be authorized under the language contained in Sections 3 and 4 of SB 63. Additional funding would be needed to support any equipment failures that may take place beyond FY 2017.

It is also important to mention that the KLEFPF has historically been used by the General Assembly to balance the state budget. Using the KLEFPF for the additional mandates called for in SB 63 that are outside of the KLEFPF's current statutory authority and outside of the General Assembly's typical use of the Fund would further decrease the availability of these funds to be used for those purposes.

**DATA SOURCE(S): Kentucky State Police Central Laboratory Staff**  
**PREPARER: Zach Ireland NOTE NUMBER: 16 REVIEW: JRS DATE: 1/8/2016**