

Fiscal Estimate Narratives

DOJ 3/27/2023

LRB Number	23-1371/1	Introduction Number	SB-0037	Estimate Type	Original
Description a time limit for processing sexual assault kits					

Assumptions Used in Arriving at Fiscal Estimate

This bill, as amended by Senate Amendment 1 to Senate Amendment 1, establishes deadlines for the processing of a sexual assault forensic examination kit submitted to the state crime laboratories in the Department of Justice.

Under current law, the state crime laboratories are required to retain the kits of victims who do not consent to testing for ten years. Of the sexual assault kits collected from victims who consent to testing or are otherwise authorized to be processed, this bill requires the crime laboratories to begin processing a kit within five days of receipt and to complete processing within six months after receipt unless the identity of the perpetrator is unknown and there is a threat to public safety or the kit was collected as part of a death investigation involving unexplained, unusual or suspicious circumstances, in which case the processing must be completed within 60 days after the processing began.

Under current law, the crime laboratories are required to perform DNA analysis of evidence in a timely manner. The crime laboratories work closely with partners in the criminal justice system, including prosecutors, law enforcement agencies, judges, court officers, and defense attorneys, to establish priorities and realistic timelines for processing evidence. The crime laboratories use high throughput processing methods which result in the most efficient use of resources and, in aggregate, the shortest turnaround times for evidence processing. A typical turnaround time for a sexual assault kit is estimated to be approximately 70 days after the laboratory begins processing. More complex evidence or sexual assault kits requiring multiple cycles of testing will likely exceed the 60-day deadline using standard processing methods. In order to meet the 60-day deadline, the crime laboratories will have to use less efficient procedures, including testing samples individually instead of in batches.

The crime laboratories do not anticipate the bill will significantly increase the number of sexual assault kits requiring priority processing compared to current practice if the 60-day deadline is limited to kits associated with threats to public safety due to unknown perpetrators and investigations of deaths involving unexplained, unusual or suspicious circumstances. The fiscal impact under those circumstances is indeterminate but can be absorbed within existing resources.

If the bill is broadened to require priority processing of additional sexual assault kits beyond what is included in Senate Amendment 1 to Senate Amendment 1, the state crime laboratories will need to evaluate current submissions to determine the impact on the timeliness of processing all evidence submissions. Increasing the capacity of the state crime laboratories to absorb a large increase in the percentage of sexual assault kits requiring priority processing without adversely impacting the testing of evidence from other serious crimes would require a dedicated unit for testing sexual assault-related evidence at a cost of at least \$2 million annually.

Long-Range Fiscal Implications