



## HOUSE COMMITTEE ON APPROPRIATIONS

# FISCAL NOTE

HOUSE BILL NO. 272

PRINTERS NO. 1202

PRIME SPONSOR: Neuman

### COST / (SAVINGS)

FUND	FY 2014/15	FY 2015/16
General Fund	See "Fiscal Impact" below.	

#### SUMMARY:

House Bill 272 amends the Sexual Assault Testing and Evidence Collection Act. Effective dates vary by provision.

#### ANALYSIS:

This legislation makes a several changes to the Sexual Assault Testing and Evidence Collection Act. It requires the Department of Health (DOH) to approve, with the concurrence of the Pennsylvania State Police (PSP), certain laboratories to receive sexual assault evidence for testing and analysis.

The bill also establishes timeframes for the submission and analysis of sexual assault evidence. Local law enforcement agencies must take possession of such evidence within 72 hours of being informed by a health care facility that it is available. Local law enforcement must then submit the evidence, within 15 days, to an approved laboratory for testing and analysis. The lab must then complete the testing or analysis within six months, if possible. If a lab has evidence that has been awaiting testing for 12 months or more, then it must be reported to the DOH as "backlogged evidence".

Within six months of the bill's effective date, each local law enforcement agency must submit a list to the DOH of all evidence in its possession which has not been submitted for analysis, and arrange to have analysis completed by a laboratory. Laboratories must also report on all untested evidence in their possession prior to the bill's effective date. Going forward, laboratories and law enforcement agencies must annually report data on any backlogged evidence they may have to the DOH. The data must be publicly posted and reported to the General Assembly.

This legislation also establishes new rights for sexual assault victims and their families concerning disclosure of information about evidence and the status of its analysis.

**FISCAL IMPACT:**

The DOH indicates any requirements resulting from enactment of this legislation can be accomplished without additional funding.

According to the PSP, enactment of this legislation is likely to have a fiscal impact on the agency. The PSP Crime Lab expects to receive, at least initially, a surge of such evidence to be tested that will result in additional personnel and operating costs. This impact is expected to correlate directly with the amount of sexual assault evidence received by the lab for testing. The bill requires police departments to submit sexual assault evidence in their possession to laboratories for analysis, evidence which otherwise may not have been submitted for testing.

However, the volume of untested or backlogged sexual assault evidence currently in the possession of local law enforcement is indeterminate and a projected fiscal impact cannot be quantified. The cost of examining sexual assault evidence is largely dependent on the quantity and type of items submitted in each case. Costs can reportedly range from a few hundred dollars to a few thousand dollars, with an average of approximately \$1,000. There is also an additional \$645 cost for each sample submitted for DNA analysis.

Enactment may have a temporary financial impact on local law enforcement agencies with a backlog of sexual assault evidence that must be submitted for testing and analysis.

Finally, passage of House Bill 272 will make Pennsylvania eligible for more funding from the Federal Debbie Smith DNA Backlog Grant program.

**PREPARED BY:** Jeff Miller  
Jeffrey Clukey  
House Appropriations Committee (R)

**DATE:** April 15, 2015

*Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.*