

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

SB 14 - HB 24

February 12, 2023

SUMMARY OF BILL: Requires the Tennessee Bureau of Investigation (TBI) to perform serology or deoxyribonucleic acid (DNA) analysis on a sexual assault evidence collection kit (SAK) within 30 days of the bureau's receipt of the SAK from a law enforcement agency. Requires the TBI, in cases in which it is unable to perform the analysis on a SAK within 30 days, to flag the SAK in the electronic tracking system and provide the submitting law enforcement agency with a written explanation for the delay. Requires the TBI to perform the analysis on any SAK it flagged in the system as past the required 30-day period within a reasonable time thereafter.

Applies to all SAK received by the TBI on or after July 1, 2023.

FISCAL IMPACT:

**Increase State Expenditures – \$5,299,000/FY23-24
\$3,537,000/FY24-25 and Subsequent Years**

Other Fiscal Impact – The Tennessee Bureau of Investigation will require significant funding for the purpose of acquiring or constructing new laboratory space in order to accommodate additional forensic personnel. The timing and amount of such funding is unknown at this time and cannot be reasonably estimated.

Full compliance with a 30-day turnaround time for sexual assault collection kits could jeopardize annual federal funding received by the Tennessee Bureau of Investigation under the Federal Capacity Enhancement and Backlog Reduction grant in the amount of approximately \$1,800,000. The timing of any such decrease is unknown

Assumptions:

- According to the TBI, the bureau will require 32 additional full-time positions in order to meet the requirements of the proposed legislation. This includes 26 Special Agent Forensic Scientist 2 (SAFS2) positions and 6 Forensic Tech (FT) positions to be allocated among its three locations where forensic testing takes place.
- Based on information provided by the TBI, the total recurring increase in state expenditures for the SAFS2 positions is estimated to be \$2,903,688 (\$1,775,410 salary +

\$485,402 benefits + \$156,000 overtime + 486,876 travel, communication, training, and other necessities) in FY23-24 and subsequent years.

- The total one-time increase in expenses related to these positions is \$313,716 (professional services and equipment) in FY23-24.
- The total recurring increase in state expenditures for the FT positions is \$457,349 (\$270,990 salary + \$88,988 benefits + \$97,371 communication, training, professional service, and other necessities) in FY23-24 and subsequent years.
- The total one-time increase in expenses related to these positions is \$22,290 (office supplies) in FY23-24.
- The full-time positions have been estimated based on existing workloads, projected workloads, and the ability to continue to prioritize rush testing when necessary, as provided by the TBI. More detail on the one-time and recurring expenses for these positions is available upon request.
- In addition, the TBI will require new testing equipment and supplies for its labs.
- The one-time increase in state expenditures for purchase of this equipment and related supplies is estimated to be \$1,602,000 in FY23-24. The recurring increase in state expenditures related to maintenance of this equipment is estimated to be \$176,000 in FY23-24 and subsequent years. More detail on the equipment to be purchased is available upon request.
- The total increase in state expenditures in FY23-24 is estimated to be \$5,299,043 (\$2,903,688 SAFS2 positions + \$313,716 SAFS2 startup + \$457,349 FT positions + \$22,290 FT startup + \$1,602,000 lab equipment).
- The total recurring increase in state expenditures is estimated to be \$3,537,037 (\$2,903,688 SAFS2 + \$457,349 FT + \$176,000 equipment maintenance) in FY23-24 and subsequent years.
- The TBI can flag any backlogged SAK in the electronic system and provide documentation to local law enforcement utilizing existing resources.
- According to the TBI, the bureau does not currently have the laboratory space necessary to accommodate the additional personnel. In order to meet the requirements of the proposed legislation, the bureau will require significant additional funding in order to potentially construct, expand, remodel, or acquire additional space for these purposes. However, plans and discussions for such construction are preliminary, and no precise estimates of the required space or funding are currently available.
- If and when the TBI is able to comply with a 30-day turnaround time for SAKs, the bureau could lose approximately \$1,800,000 in annual funding from the Federal Capacity Enhancement and Backlog Reduction grant. The timing of any such decrease is unknown.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

Handwritten signature of Krista Lee Carsner in black ink.

Krista Lee Carsner, Executive Director

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