

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

SB 71 - HB 104

February 11, 2023

SUMMARY OF BILL: Requires, beginning January 1, 2024, the Tennessee Bureau of Investigation (TBI) to perform serology and 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, within 45 days of the effective date of the act, the TBI to submit to the Governor, the Attorney General and Reporter, the Speaker of the House of Representatives, the Speaker of the Senate, and the District Attorneys General Conference a plan for eliminating any existing backlog of SAK that have been in the possession of the TBI for more than 30 days and are awaiting analysis. Requires the plan to include a list of the resources necessary for the TBI to comply with the requirements of the legislation and a timeline for analysis of any SAK in the TBI's possession such that any backlog is eliminated by January 1, 2024. Requires the TBI to expunge a DNA record from any DNA databases if it receives written confirmation from the investigating law enforcement agency or district attorney general's office that the DNA record was not connected to a criminal investigation. Requires the TBI to provide written confirmation to the submitting law enforcement agency or district attorney general's office that the DNA record has been expunged.

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 submit the plan for clearing existing backlog, expunge DNA databases, and transmit any required notices 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.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

/jj