

# Multiple Agency Fiscal Note Summary

<b>Bill Number:</b> 1068 S HB	<b>Title:</b> Sexual assault exam kits
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## Estimated Cash Receipts

NONE

## Estimated Expenditures

Agency Name	2015-17			2017-19			2019-21		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Washington State Patrol	13.0	6,401,000	6,401,000	13.0	5,222,000	5,222,000	13.0	4,770,000	4,770,000
Criminal Justice Training Commission	.0	0	0	.0	0	0	.0	0	0
<b>Total</b>	<b>13.0</b>	<b>\$6,401,000</b>	<b>\$6,401,000</b>	<b>13.0</b>	<b>\$5,222,000</b>	<b>\$5,222,000</b>	<b>13.0</b>	<b>\$4,770,000</b>	<b>\$4,770,000</b>

## Estimated Capital Budget Impact

NONE

<b>Prepared by:</b> Cheri Keller, OFM	<b>Phone:</b> 360-902-0563	<b>Date Published:</b> Final 2/ 3/2015
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\* See Office of the Administrator for the Courts judicial fiscal note

\*\* See local government fiscal note

ENPID: 38957

FNS029 Multi Agency rollout

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 1068 S HB	<b>Title:</b> Sexual assault exam kits	<b>Agency:</b> 225-Washington State Patrol
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## Part I: Estimates

☐ No Fiscal Impact

### Estimated Cash Receipts to:

NONE

### Estimated Expenditures from:

	FY 2016	FY 2017	2015-17	2017-19	2019-21
FTE Staff Years	13.0	13.0	13.0	13.0	13.0
<b>Account</b>					
General Fund-State 001-1	3,564,000	2,837,000	6,401,000	5,222,000	4,770,000
<b>Total \$</b>	3,564,000	2,837,000	6,401,000	5,222,000	4,770,000

### Estimated Capital Budget Impact:

NONE

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

- ☒ If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- ☐ If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- ☐ Capital budget impact, complete Part IV.
- ☐ Requires new rule making, complete Part V.

Legislative Contact: Cassie Jones	Phone: 360-786-7303	Date: 01/29/2015
Agency Preparation: Yvonne Stevens	Phone: 360-596-4042	Date: 02/03/2015
Agency Approval: Mary Thygesen	Phone: 360 596-4046	Date: 02/03/2015
OFM Review: Cheri Keller	Phone: 360-902-0563	Date: 02/03/2015

## Part II: Narrative Explanation

### II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

*Briefly describe by section number, the significant provisions of the bill, and any related workload or policy assumptions, that have revenue or expenditure impact on the responding agency.*

The substitute version of the proposed legislation makes changes to the new section being added to RCW 70.125 (Victims of Sexual Assault Act).

Sec. 1 previously required a law enforcement agency who receives a sexual assault examination kit, with consent to analyze the kit as part of a sexual assault investigation, to submit the kit for analysis to the Washington State Patrol (WSP) Crime Laboratory or other accredited laboratory within 30 days. The substitute version changes that to requiring that they submit a request for laboratory examination to the laboratory for prioritization for testing by it or another accredited laboratory that holds an outsourcing agreement with the WSP.

The substitute version also clarifies that the consent for testing must be given by the victim or the victim's parent or legal guardian.

Sec. 2 previously established a work group to study the issue of untested sexual assault examination kits and to make recommendations relating to reducing the number of untested kits in the state. The substitute version changes the purpose slightly to determining the number of untested sexual assault examination kits and making recommendations regarding strategies for reducing the number. The substitute version also adds additional required members and duties.

### II. B - Cash receipts Impact

*Briefly describe and quantify the cash receipts impact of the legislation on the responding agency, identifying the cash receipts provisions by section number and when appropriate the detail of the revenue sources. Briefly describe the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explain how workload assumptions translate into estimates. Distinguish between one time and ongoing functions.*

The Washington State Patrol will receive no additional revenue as a result of this proposal.

### II. C - Expenditures

*Briefly describe the agency expenditures necessary to implement this legislation (or savings resulting from this legislation), identifying by section number the provisions of the legislation that result in the expenditures (or savings). Briefly describe the factual basis of the assumptions and the method by which the expenditure impact is derived. Explain how workload assumptions translate into cost estimates. Distinguish between one time and ongoing functions.*

Section 1 of the substitute version of the proposed legislation states that a law enforcement agency receiving a sexual assault examination kit and the appropriate consent to analyze the kit as part of a sexual assault investigation, must submit a request for laboratory examination to the WSP Crime Lab for prioritization for testing by it or another accredited laboratory that holds an outsourcing agreement with the WSP. This section applies prospectively only for kits received by law enforcement on or after the effective date, which we assume will be July 1, 2015.

We assume that if the proposed legislation is passed, law enforcement agencies will submit a request for laboratory examination for all sexual assault kits per Sec. 1 (1), and that the expectation is that these requests for examination will result in timely testing of the sexual assault kits. Under this assumption, the proposed legislation will result in additional workload for the WSP.

There is no reliable data to tell us how many requests for laboratory examination would be coming into the lab if the proposed legislation passes. This makes it difficult to estimate with certainty what the caseload increase would be, however, over the past three years the WSP Crime Lab has received 290 lab requests from Seattle

Police Department (SPD) for rape/sexual assault cases. According to a public information request processed by SPD they actually collected 489 rape kits during this time frame, which means we are currently receiving only 60% (290/489) of their cases. We do not know if that percentage is high or low for statewide cases.

Using data for all submissions received by the lab over the past three years, we have received an average of 1,000 rapes and sexual assault cases each year. If we were to assume that this represents 80% of the caseload statewide, the estimated increase in the coming years would be 250 new sexual assault cases submitted to the lab per year ( $1000/.8=1,250$ ;  $1,250-1000=250$ ); if we assume only a 40% submission rate, the estimated increase would be 1,500 new sexual assault cases per year ( $1000/.4=2,500$ ;  $2,500-1000=1,500$ ). Due to the lack of data regarding the statewide submission rate of sexual assault cases, we have chosen to assume that the submission rate for the SPD is representative of the state. Using the estimated 60% submission rate (as shown above for SPD) there will be a caseload increase of approximately 670 sexual assault cases per year ( $1000/.6=1,667$ ;  $1667-1000=667$ .)

We estimate that analyzing 670 additional cases per year would require an additional staff of 13.

This will include nine FTEs for DNA casework made up of the following:

- Seven Forensic Scientist 3s for DNA casework (each FS3 handles an average of 7 cases per month) So 7 scientists x 7 cases = 49 cases/month or 588 cases/year.
- One Forensic Scientist 4 to act as the technical lead for section quality assurance purposes and technical assistance and process some casework. (approx. 42 cases/ year).
- One Forensic Scientist 5 to manage the section and communicate with the submitting agencies and process some casework. (approx. 42 cases/year).

A new Property and Evidence Custodian would be needed to receive the extra cases, enter the information into the Laboratory Information System and be responsible for the storage and tracking of evidence.

Additional CODIS Database Staff would include:

- Two Forensic Scientist 3s for the DNA analysis for the anticipated additional CODIS hit confirmations and convicted offender samples. (Note the current Convicted Offender backlog for analysis is approaching 6,000)
- One Forensic Scientist 5 required for managing the section and communicating with submitting agencies. Currently the State CODIS manager also supervises the section, but with the additional staff a dedicated supervisor would be needed.

Expenditures include salaries and benefits for the staff as well Goods and Services, Travel (for court testimony and training), and training costs of \$360,000 in the each of the first three years (\$40K for each Forensic Scientist 3 each year for three years). Additional DNA typing reagents and related consumables to process the DNA kits would total \$225,000 per year.

Additional instrumentation, equipment and maintenance of \$691,000 would be required in the first year which would include the following:

- 3500 XL CE instrument, \$110,000
- 12 copies of GMIDXv1.4 software to interpret the 3500 data, \$22,000 each, \$264,000
- Universal pre-amp BioRobot, \$100,000
- 2 EZ1XL advanced DNA extraction Bio Robots, at \$40,000 each; \$80,000
- QIAgility post-amp CE plate set up BioRobot, \$45,000
- Thermocycler, \$10,000
- Miscellaneous equipment including microscope, centrifuges, pipettes, pH meter, balances, small autoclave, dishwasher, \$30,000

- Maintenance Contracts, \$52,000

The maintenance contracts of \$52,000 would continue in future years.

The previous version of the proposed legislation required law enforcement agencies to submit all sexual assault kits with consent to analyze to the WSP Crime Laboratory for analyses within 30 days. This would have resulted in a cost for storing up to 670 additional rape kits per year of approximately \$40,000 per year. This cost could also have grown as backlogs increased during the time that the additional staff were being fully trained (3 years). The substitute version changes this requirement to submitting a request for laboratory examination for prioritization for testing. This will allow the lab to request the kits be sent as testing capacity is available, eliminating the need for long term storage at the lab. The costs associated with this storage have been removed from our estimate.

The State Patrol's indirect costs are based on our current negotiated federal rate of 25.63%. This rate is calculated on all categories of expenditures except capitalized equipment and is to cover support costs associated with this bill. Support costs include items such as computer and telecommunications support, payroll processing and vendor payments, administering contracts, ordering, accounting for and distribution of supplies, and human resource services.

The full cost estimates for this proposal are reflected in this fiscal note however, there may be some variation in the actual costs for the 2015-17 Biennium and beyond as the levels of experience in the candidate pool may affect the training costs. There is no way to predict this effect until recruitment begins. Given past hiring experiences, we anticipate a high number of entry-level applications, but very few journey-level (experienced) forensic scientist candidates. We expect to fill most positions with qualified, entry-level candidates early in the 2015-17 biennium rather than journey-level. Those new employees would immediately begin a training program of 18 to 24 months before they are able to generate DNA casework.

If the workload increase is greater than anticipated we will request additional funding through the normal budget process.

Sec. 2 requires the Chief of the Washington State Patrol, or the Chief's designee to be part of a work group established to study the issue of untested sexual assault examination kits. Sec 2 (7) states that the work group shall function within existing resources so we estimate no additional costs for participation in this workgroup.

## Part III: Expenditure Detail

### III. A - Expenditures by Object Or Purpose

	FY 2016	FY 2017	2015-17	2017-19	2019-21
FTE Staff Years	13.0	13.0	13.0	13.0	13.0
A-Salaries and Wages	858,240	858,240	1,716,480	1,716,480	1,716,480
B-Employee Benefits	319,200	319,200	638,400	638,400	638,400
C-Professional Service Contracts					
E-Goods and Other Services	1,001,800	1,013,660	2,015,460	1,667,590	1,307,860
G-Travel	30,000	30,000	60,000	60,000	60,000
J-Capital Outlays	784,600	42,600	827,200	85,200	85,200
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-Agency Indirect	570,160	573,300	1,143,460	1,054,330	962,060
<b>Total:</b>	<b>\$3,564,000</b>	<b>\$2,837,000</b>	<b>\$6,401,000</b>	<b>\$5,222,000</b>	<b>\$4,770,000</b>

**III. B - Detail:** List FTEs by classification and corresponding annual compensation. Totals need to agree with total FTEs in Part I and Part IIIA

Job Classification	Salary	FY 2016	FY 2017	2015-17	2017-19	2019-21
Forensic Scientist 3 (Casework)	66,420	7.0	7.0	7.0	7.0	7.0
Forensic Scientist 3 (CODIS)	66,420	2.0	2.0	2.0	2.0	2.0
Forensic Scientist 4 (Casework)	69,756	1.0	1.0	1.0	1.0	1.0
Forensic Scientist 5 (Casework)	75,084	1.0	1.0	1.0	1.0	1.0
Forensic Scientist 5 (CODIS)	75,084	1.0	1.0	1.0	1.0	1.0
Property and Evidence Custodian (Vancouver)	40,524	1.0	1.0	1.0	1.0	1.0
<b>Total FTE's</b>	<b>393,288</b>	<b>13.0</b>	<b>13.0</b>	<b>13.0</b>	<b>13.0</b>	<b>13.0</b>

## Part IV: Capital Budget Impact

NONE

There is no impact on WSP's capital budget due to this proposed bill. Nine of the additional Forensic Scientists will be able to be included in current space at the Vancouver Crime Lab. Space for the three CODIS scientists is available in Seattle in space where FTEs used to reside.

## Part V: New Rule Making Required

Identify provisions of the measure that require the agency to adopt new administrative rules or repeal/revise existing rules.

No new rules will be required for the WSP upon passage of this legislation.

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 1068 S HB	<b>Title:</b> Sexual assault exam kits	<b>Agency:</b> 227-Wa St Criminal Justice Train Comm
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## Part I: Estimates

☒ **No Fiscal Impact**

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

- ☐ If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- ☐ If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- ☐ Capital budget impact, complete Part IV.
- ☐ Requires new rule making, complete Part V.

Legislative Contact: Cassie Jones	Phone: 360-786-7303	Date: 01/29/2015
Agency Preparation: Brian Elliott	Phone: 360-486-2436	Date: 01/29/2015
Agency Approval: Brian Elliott	Phone: 360-486-2436	Date: 01/29/2015
OFM Review: Cheri Keller	Phone: 360-902-0563	Date: 01/29/2015

## Part II: Narrative Explanation

### II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

*Briefly describe by section number, the significant provisions of the bill, and any related workload or policy assumptions, that have revenue or expenditure impact on the responding agency.*

Section 2 identifies the executive director of the Washington Association of Sheriffs and Police Chiefs or the executive director's designee as a member of a work group established to determine the number of untested sexual assault examination kits and make recommendations regarding strategies for reducing the number of untested sexual assault kits in Washington State.

There is no fiscal impact to the Washington Association of Sheriffs and Police Chiefs to participate in the work group.

### II. B - Cash receipts Impact

*Briefly describe and quantify the cash receipts impact of the legislation on the responding agency, identifying the cash receipts provisions by section number and when appropriate the detail of the revenue sources. Briefly describe the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explain how workload assumptions translate into estimates. Distinguish between one time and ongoing functions.*

### II. C - Expenditures

*Briefly describe the agency expenditures necessary to implement this legislation (or savings resulting from this legislation), identifying by section number the provisions of the legislation that result in the expenditures (or savings). Briefly describe the factual basis of the assumptions and the method by which the expenditure impact is derived. Explain how workload assumptions translate into cost estimates. Distinguish between one time and ongoing functions.*

## Part III: Expenditure Detail

## Part IV: Capital Budget Impact

NONE

## Part V: New Rule Making Required

*Identify provisions of the measure that require the agency to adopt new administrative rules or repeal/revise existing rules.*



# LOCAL GOVERNMENT FISCAL NOTE

Department of Commerce

**Bill Number:** 1068 S HB

**Title:** Sexual assault exam kits

## Part I: Jurisdiction—Location, type or status of political subdivision defines range of fiscal impacts.

### Legislation Impacts:

- ☐ Cities:
- ☐ Counties:
- ☐ Special Districts:
- ☐ Specific jurisdictions only:
- ☐ Variance occurs due to:

## Part II: Estimates

- ☒ No fiscal impacts.
- ☐ Expenditures represent one-time costs:
- ☐ Legislation provides local option:
- ☐ Key variables cannot be estimated with certainty at this time:

## Part III: Preparation and Approval

Fiscal Note Analyst: Alice Zillah	Phone: 360-725-5035	Date: 02/03/2015
Leg. Committee Contact: Cassie Jones	Phone: 360-786-7303	Date: 01/29/2015
Agency Approval: Steve Salmi	Phone: (360) 725 5034	Date: 02/03/2015
OFM Review: Cheri Keller	Phone: 360-902-0563	Date: 02/03/2015

## **Part IV: Analysis**

### **A. SUMMARY OF BILL**

*Provide a clear, succinct description of the bill with an emphasis on how it impacts local government.*

Section 1 adds a new section to RCW 70.1255. When a law enforcement agency receives a sexual assault examination kit and consent has been given by the victim or the victim's parent or legal guardian to analyze the kit as part of a sexual assault investigation, the law enforcement agency must, within 30 days of its receipt, submit a request for laboratory examination to the Washington State Patrol (WSP) Crime Laboratory for prioritization for testing. The failure of a law enforcement agency to submit a request for laboratory examination within the time prescribed under this section does not constitute grounds in any criminal proceeding for challenging the validity of a DNA evidence association, and any evidence obtained from the sexual assault examination kit may not be excluded by a court on those grounds.

This section applies prospectively; it only applies to sexual assault examination kits received by law enforcement on or after the effective date.

### **B. SUMMARY OF EXPENDITURE IMPACTS**

*Briefly describe and quantify the expenditure impacts of the legislation on local governments, identifying the expenditure provisions by section number, and when appropriate, the detail of expenditures. Delineate between city, county and special district impacts.*

The legislation would not significantly change current practice for city and county law enforcement agencies, and thus would not have an expenditure impact.

Within 30 days of receiving a sexual assault examination kit as part of an investigation, a law enforcement agency must submit a request for laboratory examination to the WSP. While this requirement would increase the number of requests and kits mailed to the WSP, the cost impacts for the work involved are expected to be minimal and would be absorbed by the agencies as part of their normal work.

### **C. SUMMARY OF REVENUE IMPACTS**

*Briefly describe and quantify the revenue impacts of the legislation on local governments, identifying the revenue provisions by section number, and when appropriate, the detail of revenue sources. Delineate between city, county and special district impacts.*

The legislation would have no revenue impact for local government.

#### **SOURCES:**

Washington Association of Sheriffs and Police Chiefs

Washington State Patrol