



Ohio Legislative Service Commission

Jamie L. Doskocil

Fiscal Note & Local Impact Statement

Bill: S.B. 316 of the 130th G.A.

Date: May 19, 2014

Status: As Introduced

Sponsor: Sen. Cafaro

Local Impact Statement Procedure Required: Yes

Contents: Law enforcement records pertaining to sexually oriented offenses

State Fiscal Highlights

- The Office of the Attorney General's Bureau of Criminal Investigation (BCI) may experience an increase in annual workload and costs related to the processing of the reports and records noted in the bullet below as well as to provide packaging, labels, and postage to local law enforcement, the total costs of which are uncertain.

Local Fiscal Highlights

- Local law enforcement agencies could experience an increase in workload and related costs, possibly significant in some jurisdictions, related to the reporting and sending of certain DNA evidence, records and reports to BCI or other crime laboratories.

Detailed Fiscal Analysis

The bill makes several requirements related to certain evidence held by local law enforcement agencies. Local law enforcement agencies will be required to:

1. Review and forward records pertaining to sexually oriented offenses to the Bureau of Criminal Investigation (BCI) or another crime laboratory within one year; and
2. Forward the contents of a sexual assault examination kit to BCI or another crime laboratory for DNA analysis if an analysis has not previously been performed, within 20 days after the agency determines that one or more persons may have committed or participated in a sexually oriented offense or another offense committed during the course of a sexually oriented offense.

The bill also requires BCI or a contract laboratory to perform a DNA analysis of the biological material contained in a sexual assault examination kit received pursuant to the provisions described above, and to enter the resulting DNA record into a DNA database. BCI is required to establish procedures for the forwarding of DNA specimens collected pursuant to the provisions described above. At the request of a law enforcement agency, BCI must provide such packages, labels, and postage to agencies that request them in order to comply with the requirements listed in points 1 and 2 above.

Fiscal effects

Representatives of the Buckeye State Sheriffs' Association and the Ohio Association of Chiefs of Police have indicated that the reporting requirements contained in the bill could create costs for local law enforcement agencies. The exact total of these costs would vary from jurisdiction to jurisdiction and would likely depend on the number of records that are currently held. Interested parties have indicated that costs could be quite high if "all of the agency's records and reports pertaining to the agency's investigation of a sexually oriented offense" are forwarded to BCI or other crime laboratories. However, if this requirement is more loosely interpreted by the Office of the Attorney General, the costs could be lower. BCI has expressed some concern about the storage of such evidence and records. The bill is silent as to who would be responsible for the cost of returning the evidence and records.

As to the testing costs, under current practice, local law enforcement agencies are already encouraged to submit the contents of a sexual assault examination kit to BCI or another crime laboratory for DNA analysis in a timely manner. As such, BCI or other crime laboratories operated by local governmental jurisdictions would not likely experience an increase in workload. The Office of the Attorney General has recently taken steps to help alleviate any testing backlogs that have existed and has worked with local law enforcement to assist in identifying any potential evidence that could be eligible for testing. It is uncertain what type of packaging and labels would be necessitated under the bill or resultant postage costs would total. However, it should be noted that under the Sexual Assault Forensic Examination Program (SAFE), the Office of the Attorney General currently already provides reimbursement to medical facilities offering forensic medical examinations to children and adults. These expenses are provided for by the Reparations/Crime Victims Fund (Fund 4020).