Ohio Legislative Service Commission

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Fiscal Note & Local Impact Statement

Bill: Sub. S.B. 316 of the 130th G.A. **Date**: June 3, 2014

Status: As Reported by Senate Criminal Justice **Sponsor**: Sen. Cafaro

Local Impact Statement Procedure Required: Yes

Contents: Law enforcement records and sexual assault examination kits pertaining to specified homicide and sex 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 establishing procedures for the forwarding of DNA specimens collected pursuant to the bill and for returning the contents of sexual assault examination kits to law enforcement agencies, the total costs of which are uncertain.

Local Fiscal Highlights

- Local law enforcement agencies could experience an increase in workload associated with reviewing all records and reports related to investigations of specified homicide and sex offenses. Such costs would likely be minimal.

Detailed Fiscal Analysis

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

1. Review all records and reports pertaining to its investigations of specified homicide[1] and sex[2] offenses as soon as possible after the effective date of the bill and if after the review, the agency determines that one or more persons may have committed or participated in one of the offenses previously mentioned, the agency is to forward any sexual assault examination kits that are still in their possession to the Bureau of Criminal Investigation (BCI) or another crime laboratory as soon as possible but not later than within one year after the bill's effective date; and
2. After the initial review is complete, agencies are to routinely 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 30 days after the agency determines that one or more persons may have committed or participated in a specified homicide or sex 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.

Fiscal effects

Representatives of the Buckeye State Sheriffs' Association and the Ohio Association of Chiefs of Police have indicated that there would be some costs associated with reviewing all records and reports related to investigations of specified homicide and sex offenses. However, such costs would likely be minimal.

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

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[1] These homicide offenses include: all cases of aggravated murder, murder, voluntary manslaughter, and all cases of reckless homicide, and aggravated vehicular homicide that are a felony of the first or second degree.

[2] These sex offenses include: rape (including attempted rape), sexual battery, and certain cases of gross sexual imposition.

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.

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