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FISCAL IMPACT REPORT

ORIGINAL DATE 1/22/16
SPONSOR McSorley **LAST UPDATED** _____ **HB** _____

SHORT TITLE DNA Evidence Kit Analysis **SB** 17

ANALYST Rogers

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY16	FY17		
NFI	\$2,300.0	Nonrecurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY16	FY17	FY18	FY19	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	NFI	\$975.1	\$365.5	\$365.5	\$1,706.1	Nonrecurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

Relates to HB 130

SOURCES OF INFORMATION

LFC Files

Responses Received From

Department of Public Safety (DPS)

SUMMARY

Synopsis of Bill

SB 17 appropriates \$2.3 million from the general fund to DPS for expenditure in FY17, FY18, and FY19 to hire staff and purchase the equipment necessary to clear the existing backlog of unprocessed DNA kits that DPS must process.

Any unexpended or unencumbered balance remaining at the end of FY19 will revert back to the general fund.

FISCAL IMPLICATIONS

The amount and time frame of the appropriation may not be high enough or long enough for the department to clear the backlog, which could lead to additional future appropriations. Costs running past the FY19 appropriation date would need to be built into the DPS FY20 operating budget.

DPS provided the following fiscal analysis for clearing the backlog of kits:

FY17 –\$975.1 thousand:

1. \$305 thousand to expand and remodel existing Santa Fe laboratory facility to accommodate additional staff and equipment. The cost is dependent upon the remodel requirements; however, the department may alternatively lease additional space and remodel that space to accommodate DNA laboratory needs;
2. \$304.7 thousand to purchase DNA casework equipment, workstations, and computers;
3. \$244.6 thousand to create and hire three additional forensic scientists; and
4. \$120.8K thousand to purchase supplies.

FY18 – \$365.5 thousand:

1. \$244.6 thousand for salaries and benefits for three forensic scientists; and
2. \$120.9 thousand to purchase supplies.

FY19 – \$365.5 thousand:

1. \$244.6 thousand for salaries and benefits for three forensic scientists; and
2. \$120.9 thousand to purchase supplies.

Total 3 year cost: \$1,706.1 thousand

Potential need for addition to DPS FY20 operating budget - \$120.5 thousand:

1. \$80.7 thousand for salaries and benefits for three forensic scientists
2. \$39.8 thousand to purchase supplies

Total cost of completion: \$1,826.6 thousand

Concerns exist surrounding the ability of the department to clear the backlog within three years. In the past, DPS has had significant trouble recruiting for and retaining qualified forensic scientists in its labs. The labs may not have enough equipment or had outdated equipment to effectively process the kits.

DPS needs to request funds for personnel and supplies in its appropriation requests.

SIGNIFICANT ISSUES

In its response, the department stated that “based on productivity calculations, the backlog of 1,500 cases is expected to be virtually cleared within a four to five year period. The timeframe is in part dependent upon the time required to complete the remodel and hire the forensic scientists.” DPS also stated that forensic scientists can take 5-9 months to be recruited and that the state’s pay is well below market. Additionally, the “expansion, remodeling, and instrument costs will require a competitive bid process that will also be time consuming.”

Since FY10, all DPS forensic caseloads have grown 70 percent while case backlogs continue to grow. DPS completed an average 20 percent of all types of cases received within 30 days in FY15. For FY16, the department received \$170 thousand in their base budget and \$205 thousand through a special appropriation to clear the backlog of cases. Forensic scientists have vacancy rates of 30 percent and sustain turnover rates of 20 percent.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

SB 17 is related to HB 130. HB 130 appropriates \$1.2 million for expenditure only in FY17 to hire scientists and clear the backlog of rape kits.

TECHNICAL ISSUES

DPS expressed concern that the language in SB 17 may not allow for the expenditure of funds for construction or leasing costs. DPS is also concerned that the time frame of the appropriation may not be long enough to successfully clear the backlog. DPS may need to request additional funding in the FY20 operating budget to complete clearance of the backlog.

DPS suggested the following amendments:

Line 18 strike 2019, replace with 2020
Line 18 insert: necessary staff [, expand/remodel and/or lease facility space] and
Line 22 strike 2019, replace with 2020

OTHER SUBSTANTIVE ISSUES

Both the legislative and the executive recommendations have proposed targeted compensation plans that include forensic scientists that may help improve recruitment and retention. However, both recommendations are subject to adoption by the legislature and the signature of the governor. It is likely that even if a plan was adopted, recruiting and hiring scientists would still take up to a year.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo. If SB17 is not enacted the backlog of untested DNA evidence kits will continue to grow and public safety could be compromised.

TMR/jle/jo