



SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE
STATEMENT OF ESTIMATED FISCAL IMPACT
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Bill Number: H. 3309 Introduced on January 8, 2019
Author: Cobb-Hunter
Subject: Statewide Sexual Assault Kit Tracking System
Requestor: Senate Judiciary
RFA Analyst(s): Gardner
Impact Date: January 27, 2020

Fiscal Impact Summary

The expenditure impact of this bill is pending, contingent upon a response from the State Law Enforcement Division.

Explanation of Fiscal Impact

Introduced on January 8, 2019

State Expenditure

This bill requires the State Law Enforcement Division (SLED) to create and operate a statewide sexual assault kit tracking system. SLED may contract with in-state or out-of-state information technology entities to create, operate, and maintain this system. The purpose of the system is to track the location and status of sexual assault kits throughout the criminal justice process. The system will be accessible to and may be updated by medical facilities, law enforcement agencies, prosecutors, and others having custody of sexual assault kits. It will also allow victims of sexual assault to anonymously track or receive updates regarding the status of their kits.

The bill allows SLED to employ a phased implementation process to launch the system based on priority of region, volume, or other appropriate classification. All custodians of sexual assault kits must participate in the system no later than June 1, 2021. SLED is responsible for submitting to the House and Senate Judiciary committees and the Governor an initial report on the status of the system and its implementation plan by January 1, 2020. Thereafter, SLED must submit to the noted committees and the Governor a semiannual report on the statewide tracking system, the first report being due on July 31, 2021, and subsequent reports being due on January 31st and July 31st of each year. The semiannual reports must include information on the following (note that each requires figures to be presented by jurisdiction and statewide):

- The total number of sexual assault kits;
- The total and semiannual number of kits where forensic analysis has been completed;
- The number of kits added to the system during the reporting period;
- The total and semiannual number of kits where forensic analysis has been requested but not completed;
- The average and median length of time for kits to be submitted for forensic analysis after addition to the system, divided into data sets for all kits in the system and all kits added to the system;

- The average and median length of time for forensic analysis to be completed on the kits after submission for forensic analysis, divided into data sets for all kits in the system and all kits added to the system;
- The total and semiannual number of kits that have been destroyed or removed from the system;
- The total number of kits where forensic analysis has not been completed and six months or more have passed since the kits were added to the system; and
- The total number of kits where forensic analysis has not been completed and one year or more has passed since the kits were added to the system.

A sexual assault kit must be assigned to the jurisdiction associated with the law enforcement agency anticipated to either receive the kit or have custody of it.

Neither a public agency, nor hospital, nor staff of either may be held civilly liable for damages arising from the release or suppression of information related to the statewide sexual assault tracking system, provided there is no gross negligence.

Local law enforcement agencies and sheriffs' departments must participate in the statewide tracking system in accordance with the implementation schedule established by SLED in order to track the status of all sexual assault kits in their custody or in the custody of other contracted entities. Likewise, SLED's forensic services laboratory must participate in the tracking system to track the status of all kits in SLED's custody or in the custody of other contracted entities.

State Law Enforcement Division. The expenditure impact of this bill is pending, contingent upon a response from the agency.

State Revenue

N/A

Local Expenditure

N/A

Local Revenue

N/A



Frank A. Rainwater, Executive Director