2023 Special Session I

# Budget Bill - HB6001 (Enrolled)

Bill Order » Office of Public Safety and Homeland Security » Item 422

Department of Forensic Science

| Item 422 | First Year - FY2023 | Second Year - FY2024 |
|---|---|---|
| **Law Enforcement Scientific Support Services (30900)** | **$59,127,378** | ~~**$58,320,478**~~ ***$58,568,513*** |
| Biological Analysis Services (30901) | $14,487,439 | $14,487,439 |
| Chemical Analysis Services (30902) | $14,465,511 | $14,465,511 |
| Toxicology Services (30903) | $12,453,980 | $11,647,080 |
| Physical Evidence Services (30904) | $9,688,531 | ~~$9,688,531~~ *$9,936,566* |
| Training Services (30905) | $590,966 | $590,966 |
| Administrative Services (30906) | $7,440,951 | $7,440,951 |
| Fund Sources: | | |
| General | $56,446,890 | ~~$55,639,990~~ *$55,888,025* |
| Federal Trust | $2,680,488 | $2,680,488 |

Authority: §§ 9.1-1100 through 9.1-1113, Code of Virginia.

A. Notwithstanding the provisions of § 58.1-3403, Code of Virginia, the Department of Forensic Science shall be exempt from the payment of service charges levied in lieu of taxes by any county, city, or town.

B.1. The Forensic Science Board shall ensure that all individuals who were convicted due to criminal investigations, for which its case files for the years between 1973 and 1988 were found to contain evidence possibly suitable for DNA testing, are informed that such evidence exists and is available for testing. To effectuate this requirement, the Board shall prepare two form letters, one sent to each person whose evidence was tested, and one sent to each person whose evidence was not tested. Copies of each such letter shall be sent to the Chair of the Forensic Science Board and to the respective Chairs of the House Committee for Courts of Justice and the Senate Judiciary Committee. The Department of Corrections shall assist the board in effectuating this requirement by providing the addresses for all such persons to whom letters shall be sent, whether currently incarcerated, on probation, or on parole. In cases where the current address of the person cannot be ascertained, the Department of Corrections shall provide the last known address. The Chair of the Forensic Science Board shall report on the progress of this notification process at each meeting of the Forensic Science Board.

2. Upon a request pursuant to the Virginia Freedom of Information Act for a certificate of analysis that has been issued in connection with the Post Conviction DNA Testing Program and that reflects that a convicted person's DNA profile was not indicated on items of evidence tested, the Department of Forensic Science shall make available for inspection and copying such requested record after all personal and identifying information about the victims, their family members, and consensual partners has been redacted, except where disclosure of the information contained therein is expressly prohibited by law or the Commonwealth's Attorney to whom the

certificate was issued states that the certificate is critical to an ongoing active investigation and that disclosure jeopardizes the investigation.

C. Out of the appropriation for this Item, $403,250 the first year and $403,250 the second year from the general fund is provided for the ongoing financing costs of scientific equipment in the toxicology, controlled substances, breath alcohol, and DNA sections through the state's master equipment lease purchase program.

D. Included in the appropriation for this item is $144,336 each year from the general fund for the estimated costs of materials needed for the additional DNA testing required pursuant to Chapters 543 and 544 of the 2018 Session of the General Assembly.

E. Notwithstanding § 9.1-1101.1, Code of Virginia, the Department of Forensic Science shall not enter into contracts or agreements for forensic laboratory services that i) require additional general fund resources for laboratory services that can otherwise be procured at lower costs, or ii) impose additional regulatory burdens on the staff of the Department to implement.

F. Included in the appropriation for this item is $641,200 the first year and $641,200 the second year from the general fund for four additional toxicology positions and associated equipment and supplies to support the Department's tetrahydrocannabinol (THC) data collection initiative. Of the four positions, no fewer than one shall be assigned to the Western Laboratory in the City of Roanoke.