LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

SENATE COMMITTEE SUBSTITUTE FOR

SENATE, No. 3089

STATE OF NEW JERSEY
221st LEGISLATURE

DATED: JANUARY 16, 2026

SUMMARY

Synopsis: Concerns sexual assault forensic evidence kits.

Type of Impact: Annual State, county, and municipal expenditure increases.

Agencies Affected: Department of Law and Public Safety; County Prosecutors; State, County, and Municipal Law Enforcement Agencies.

Office of Legislative Services Estimate

Fiscal Impact	
Annual State and Local Expenditure Increases	Indeterminate

- The Office of Legislative Services (OLS) finds that establishing a time constraint on State, county, and municipal law enforcement submissions of sexual assault forensic evidence kits will result in indeterminate annual expenditure increases.

- The OLS finds that certain provisions of the bill are being implemented pursuant to the Attorney General Law Enforcement Directive No. 2023-1, v2.0. However, the OLS finds the bill's requirement that law enforcement agencies take possession of sexual assault forensic evidence kits within three business days of receiving notification from a medical facility and submit the kits to the appropriate forensic laboratory within a certain timeframe may increase costs to State, county, and municipal law enforcement agencies.

- The OLS notes that in January 2025 the Governor signed a bill that codifies a Statewide sexual assault forensic evidence kit tracking system.

BILL DESCRIPTION

Under the provisions of this bill, every State, county, and municipal law enforcement agency is required to submit every sexual assault forensic evidence kit collected from a victim, who has

consented to the release of the evidence to law enforcement, to the appropriate forensic laboratory for testing within 10 calendar days of the victim's sexual assault medical forensic examination in accordance with guidelines promulgated by the Division of Criminal Justice.

In addition, the bill provides that every medical facility or other facility that conducts sexual assault medical forensic examinations is required to notify the appropriate law enforcement agency immediately, but in no case more than 24 hours, after the collection of a new sexual assault forensic evidence kit where the victim consents to the release of the evidence to law enforcement.

The bill requires a law enforcement agency that receives a notification from a medical facility to take possession of the sexual assault forensic evidence kit within three business days of the notification and submit the sexual assault forensic evidence kit to the appropriate forensic laboratory in accordance with the timeframe set forth in the bill.

Under the bill, every sexual assault forensic evidence kit collected from a victim who has not reported the crime to law enforcement or has not consented to the release of the evidence to law enforcement is required to be retained in a manner that preserves the evidence for a minimum of 20 years from the date of collection, and where the victim is a minor, for a minimum of 20 years after the victim reaches the age of 18.

The bill provides that the victim has the right to report the crime to law enforcement and submit the sexual assault forensic evidence kit for testing at any time until the end of the retention period as set forth under the bill.

The bill requires the Attorney General to issue or amend guidelines or directives necessary to effectuate the provisions of the bill.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received on this bill. However, in response to FY 2025 OLS Discussion Points, the Department of Law and Public Safety provided information on the $2 million federal Sexual Assault Kit Initiative grant it received in November 2023 to establish a sexual assault kit tracking system. The department outlined the approved budget allocations for the specific components of the $2 million grant. The department also discussed federal funds it has received since FY 2020 for sexual assault forensic evidence kits and noted that no State funds were appropriated to supplement these federal grant funds.

OFFICE OF LEGISLATIVE SERVICES

The OLS finds that establishing a time constraint on State, county, and municipal law enforcement submissions of sexual assault forensic evidence kits will result in indeterminate annual expenditure increases.

The OLS finds that certain provisions of the bill are being implemented pursuant to the Attorney General Law Enforcement Directive No. 2023-1, v2.0. However, the OLS finds the bill's requirement that law enforcement agencies take possession of sexual assault forensic evidence kits within three business days of receiving notification from a medical facility and submit the kits to the appropriate forensic laboratory within certain timeframes may increase costs to State, county, and municipal law enforcement agencies.

State, County, and Municipal Expenditures: The bill requires the medical facility collecting the sexual assault forensic evidence kits to notify law enforcement immediately, but in no case more than 24 hours after the collection of a new kit. The respective law enforcement entity is

required to take possession of the kit within three business days of the notification. Currently, the Attorney General Law Enforcement Directive 2023-1, v2.0 requires sexual assault forensic evidence kits to be submitted to the appropriate laboratory within 10 calendar days of collection unless the agency receives written approval from the County Prosecutor or Director of the Division of Criminal Justice, or their designee, detailing the reason for the delay. This bill also requires kits collected after the bill's effective date to be submitted within 10 calendar days of the victim's sexual assault medical forensic examination, but does not contain a provision allowing an exclusion under certain circumstances. This change may result in increased costs to State, county, and municipal law enforcement agencies.

Further, the OLS estimates that the requirement for all kits, when a victim consents to the release of evidence to law enforcement, to be submitted to the laboratory for testing within a certain time frame may result in ongoing submissions to the State, counties, and municipalities; however, it should be noted that this requirement is in effect as part of the Attorney General Law Enforcement Directive No. 2023-1, v2.0.

Finally, sexual assault forensic evidence kits are only tested with the victim's consent. Without consent, the kits are held in storage. The Attorney General specified in the directive that untested kits, when the victim does not consent to the release of evidence to law enforcement, are to be retained for 20 years as well as in cases where a victim withdraws consent before a laboratory processes the kit. If the victim is a minor, this 20-year period begins once they reach the age of 18. This bill codifies the 20-year kit retention requirement.

The OLS notes that any workload increase stemming from the bill's requirement for the Attorney General to issue or amend guidelines or directives may result in an indeterminate expenditure increase.

Background: In March 2023, the New Jersey Attorney General issued Directive No. 2023-1, which, among other provisions, required the establishment of a county based sexual assault forensic evidence kit tracking system. In August 2024, the New Jersey Attorney General issued Directive No. 2023-1 v2.0, providing further guidelines for testing. As stated by the Attorney General, "[t]his Amended Directive establishes a new mandate to prospectively and retroactively test all SAFE kits submitted to law enforcement, when the victim consents." In July 2025, the New Jersey Attorney General issued Directive No. 2025-1, which implemented a Statewide sexual assault forensic examination kit tracking system.

In November 2023, the Department of Law and Public Safety received a $2 million federal grant to establish a sexual assault kit tracking system. According to the award description for this National Sexual Assault Kit Initiative grant, which is funded by the United States Department of Justice's Bureau of Justice Assistance, the $2 million in grant funding for New Jersey is to be used for developing and launching a Statewide sexual assault kit tracking system. Specifically, "[t]his system will require all law enforcement agencies and forensic nurse examiner programs across the State to enter and track every Sexual Assault Forensic Evidence (SAFE) kit currently in their possession and all future kits turned over to them. The tracking system will provide every victim of sexual assault the ability to track the progress of their kit and case. Additionally, the new system will allow monitoring of kits from collection through processing to aid in better identification of delays in submission or analysis, as well to improve collaboration with other tracking systems including CODIS [Combined DNA Index System] and VICAP [Violent Criminal Apprehension Program]. Funds will also be used to expand long-term storage capacity for SAFE kits."

Since FY 2020, the Department of Law and Public Safety has received $5.8 million in federal funds to support the investigation and prosecution of cold case sexual assaults and to establish a comprehensive approach to address unsubmitted sexual assault forensic evidence kits.

New Jersey Sexual Assault Forensic Evidence Kit Related Federal Funds
(FY 2020 to FY 2023)*

YEAR	AMOUNT	Sexual Assault Forensic Evidence Kit Purpose Area
FY2020	$ 918,058	Investigation and Prosecution of Cold Case Sexual Assaults
FY2022	$1,500,000	Investigation and Prosecution of Cold Case Sexual Assaults
FY2023	$2,000,000	Comprehensive Approach to Unsubmitted Sexual Assault Kits
FY2023	$1,400,000	National Cold Case Initiative
TOTAL	**$5,818,058**	

*Sexual Assault Kit Initiative, Bureau of Justice Assistance, Office of Justice Programs, U.S. Department of Justice

Related Legislation Signed Into Law: On January 23, 2025, the Governor signed into law P.L.2025, c.1, which establishes in law an Internet-based Statewide sexual assault forensic evidence kit tracking system. Under this new law, the Attorney General is required to issue guidelines or a directive establishing the system.

Section: *Law and Public Safety*

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This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).