



North Dakota Legislative Council

Prepared for the Government Services Committee
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STUDY OF THE STATE CRIME LABORATORY - BACKGROUND MEMORANDUM

Section 22 of Senate Bill No. 2003 (2023) ([appendix](#)) provides for a Legislative Management study regarding the State Crime Laboratory. As part of the study, the Government Services Committee is to review:

- State Crime Laboratory staffing and equipment needs;
- The need for forensic scientists with training in firearms and fingerprint analysis;
- The feasibility and desirability of remodeling current State Crime Laboratory facilities, acquiring other vacant laboratory facilities in the state, and operating additional State Crime Laboratory facilities in the state;
- Services the State Crime Laboratory should have the capability of providing to support law enforcement entities in the state; and
- Whether the State Crime Laboratory should be administratively separate from the Bureau of Criminal Investigation.

STATUTORY PROVISIONS

The State Crime Laboratory is established as a division of the office of the Attorney General in North Dakota Century Code Section 54-12-24. Section 54-12-24(1) provides:

- The division consists of a Director, the State Toxicologist, and such other personnel as may be appointed by the Attorney General;
- The State Crime Laboratory may establish and charge fees for services rendered; and
- The State Crime Laboratory must be administratively separated from the Bureau of Criminal Investigation.

Section 54-12-24(3) provides:

Upon the request of the state forensic examiner, any state's attorney, sheriff, chief of police, coroner, or other local, state, or federal law enforcement official, the attorney general may make available to the requesting official the state crime laboratory's facilities and personnel to assist in the investigation or detection of crimes and the apprehension or prosecution of criminals.

The 2021 Legislative Assembly enacted Section 54-12-24.1 to require the State Crime Laboratory to develop and implement a statewide sexual assault evidence collection kit tracking system. The statewide sexual assault evidence collection kit tracking system must:

- Track the location and status of each sexual assault kit throughout the criminal justice process, including the initial collection during examinations performed at medical facilities, receipt and storage at law enforcement agencies, receipt and analysis at forensic laboratories, storage, and any destruction of the kit after the applicable evidence is analyzed;
- Allow participating entities that have custody of sexual assault kits to update and track the status and location of the kits;
- Allow victims of sexual assault to track or receive updates anonymously regarding the status of their sexual assault kits; and
- Use electronic or other technologies that allow for continuous access.

CURRENT STATE CRIME LABORATORY FACILITY

The current State Crime Laboratory is a state-owned, 19,000 square foot facility located on East Main Avenue in Bismarck. The 2005 Legislative Assembly appropriated \$3.65 million from bond proceeds for a 13,000 square foot expansion to the existing Crime Laboratory, which was colocated with the State Department of Health laboratory. The Attorney General's office reported after spending nearly \$400,000 for design and engineering services, the resulting bids exceeded the funds available and the project was delayed until the 2007 Legislative Assembly could address the issue of additional funding. The 2007 Legislative Assembly allowed the Attorney General's office to continue existing bond proceeds and appropriated an additional \$1.44 million from the general fund and \$200,000 from special funds for continuation of the project and redesign of a 19,000 square foot structure in close proximity to the existing laboratory. The building was completed and a "ribbon-cutting" ceremony was held October 21, 2008.

STATE CRIME LABORATORY STAFFING AND WORKLOAD

The Attorney General's office, in a space utilization survey completed in January 2022, reported 26 headcount employees located at the State Crime Laboratory. In testimony submitted to the Appropriations Committees of the 2023 Legislative Assembly, the office reported additional full-time equivalent (FTE) positions are necessary to eliminate backlogs and prevent new backlogs from developing at the State Crime Laboratory. The office reported three DNA Unit employees worked 446.5 overtime hours in 12 weeks, from December 1, 2022, through February 18, 2023. The office reported the DNA testing backlog was 472 in 2020, 713 in 2021, and 585 in 2022. The office also reported the number of sexual assault kits not tested within 30 days of laboratory submission was 169 in 2022, compared to 33 in 2018.

2023-25 BIENNIUM BUDGET

The 2023 Legislative Assembly appropriated \$1.7 million from the general fund, including approximately \$1.1 million for salaries and wages and \$626,466 for operating expenses for 6 new State Crime Laboratory FTE positions. The new FTE positions include 2 FTE firearms testing positions, 2 FTE fingerprint testing positions, and 2 FTE forensic scientist positions.

The Attorney General's office as part of its budget submission to the 2023 Legislative Assembly, requested \$4,250,000 to construct an addition to the State Crime Laboratory. The office stated in testimony to the Appropriations Committees of the 2023 Legislative Assembly that additional laboratory space is needed for current and additional forensic scientists and additional workspace is necessary for writing and processing reports. The 2023 Legislative Assembly appropriated \$1,890,677, including \$1,136,000 from the general fund and \$754,677 from federal funds, for State Crime Laboratory capital assets, including funding for firearms and fingerprint software and testing equipment upgrades, the replacement of intoxilyzers, and \$250,000 for capital improvements. In addition, the office appropriation was increased by \$222,000 from the general fund for State Crime Laboratory building and equipment maintenance contract costs.

PROPOSED STUDY PLAN

The following is a proposed study plan for the committee's consideration:

1. Receive information from the Attorney General's office regarding the State Crime Laboratory, including the facility's history, capabilities, potential enhancements, and staffing and equipment needs.
2. Receive comments from the Bureau of Criminal Investigation and other law enforcement representatives regarding the services the State Crime Laboratory should have the capability of providing to support law enforcement entities in the state.
3. Receive comments from the Attorney General, other law enforcement representatives, and others regarding whether the State Crime Laboratory should be administratively separate from the Bureau of Criminal Investigation.
4. Tour the State Crime Laboratory.
5. Receive comments from interested persons regarding the study of the State Crime Laboratory.
6. Develop recommendations and any bill drafts necessary to implement the recommendations.
7. Prepare a final report for submission to the Legislative Management.

ATTACH:1