

PRELIMINARY STAFF MEASURE SUMMARY**CARRIER:**

Senate Committee on Judiciary

REVENUE: No revenue impact**FISCAL: May have fiscal impact, statement not yet issued****SUBSEQUENT REFERRAL TO:****Action:****Vote:****Yeas:****Nays:****Exc.:****Prepared By:** Jeff Rhoades, Counsel**Meeting Dates:** 3/25

WHAT THE MEASURE DOES: Mandates that law enforcement agencies submit report to Attorney General by September 15, 2015 stating number of untested sexual assault evidence kits in possession of law enforcement agency and date evidence collected. Requires Attorney General to submit report to interim legislative committees related to judiciary summarizing number of statewide untested evidence kits. Declares emergency, effective on passage.

ISSUES DISCUSSED:

EFFECT OF COMMITTEE AMENDMENT: Proposed -1 amendment states that law enforcement agency must submit annual report no later than February 1 of each year. Provides that prior to destroying untested evidence collections kits, law enforcement agency shall notify victim at least sixty days prior to destruction and allow victim to take possession of kit in lieu of destruction.

BACKGROUND: When a person is a victim of sexual assault, the collection of physical evidence is oftentimes the lynchpin of the case. Upon contacting authorities, victims are asked to submit to an evidence collection procedure colloquially known as a “rape kit.” The kit involves not only swabs for DNA, but also collection of evidence from fingernails and clothing in addition to statements from the victim.

Oftentimes, the trauma of sexual violence is so extreme that victims cannot bear to follow through with the court process. Cases can fall into abeyance or be dismissed as a result. However, a victim may decide after time and appropriate counseling that they want to proceed with the case. This may be difficult or impossible if the evidence collected as part of the rape kit is no longer available.

Senate Bill 563 seeks to remedy the situation where a victim wants to proceed with a case in the face of untested or destroyed evidence. The bill requires law enforcement agencies to write a report on any untested kits and submit the report to the Attorney General. The Attorney General, in turn, will submit findings to the legislature to take any appropriate action. The Attorney General’s plan must specify how to process any potential backlog in the processing of evidence.