

Requested by Senator GELSER

**PROPOSED AMENDMENTS TO
SENATE BILL 1571**

1 On page 1 of the printed bill, line 18, after “person” delete the rest of the
2 line and delete line 19 and insert “from whom a sexual assault forensic evi-
3 dence kit has been collected.”.

4 In line 22, after “contain” insert “a requirement to test all nonanonymous
5 kits and”.

6 On page 2, line 19, after “must” insert “be in writing, must be made im-
7 mediately available to the public upon request and must”.

8 On page 3, delete lines 2 through 5 and insert:

9 “(d) A requirement that the person described in paragraph (a) of this
10 subsection provide, in response to a victim inquiry concerning a sexual as-
11 sault forensic evidence kit, any information the victim requests in a manner
12 of communication designated by the victim, as soon as possible and within
13 30 days of the inquiry, unless the agency declines to provide the information
14 pursuant to paragraph (e) of this subsection.”.

15 Delete lines 10 through 45.

16 On page 4, delete line 1 and insert:

17 **“SECTION 5.** Section 4 of this 2016 Act is amended to read:

18 **“Sec. 4.** (1) [*No later than January 1, 2017,*] Each law enforcement agency
19 within this state shall [*adopt*] **have** policies and procedures concerning the
20 collection, submission for testing, retention and destruction of sexual assault
21 forensic evidence kits. The policies and procedures must be in writing, must

1 be made immediately available to the public upon request and must include:

2 “(a) Procedures for investigating reports of sexual assault.

3 “(b) A time limit by which the law enforcement agency must obtain a
4 sexual assault forensic evidence kit from a medical facility that is within
5 seven days after the collection of the evidence.

6 “(c) A time limit by which a sexual assault forensic evidence kit must be
7 submitted to the Department of State Police for testing that is within 14 days
8 after taking possession of the kit from a medical facility.

9 “(d) A requirement that the law enforcement agency submit to the de-
10 partment information sufficient to allow the department to prioritize the
11 testing of a sexual assault forensic evidence kit according to the rules of the
12 department.

13 “(e) A prohibition on the submission of an anonymous kit to the depart-
14 ment for testing.

15 “(f) A requirement that all sexual assault forensic evidence kits, including
16 anonymous kits, be retained for no less than 60 years after the collection of
17 the evidence.

18 “(2) [*No later than January 1, 2017,*] Each law enforcement agency within
19 this state shall [*adopt*] **have** policies and procedures concerning the pro-
20 vision of information to victims concerning sexual assault forensic evidence
21 kits. The policies and procedures must include:

22 “(a) A requirement that the agency designate one person within the
23 agency to receive all telephone inquiries concerning sexual assault forensic
24 evidence kits and to serve as a liaison between the agency and the Depart-
25 ment of State Police.

26 “(b) A requirement that, at the time that a sexual assault forensic evi-
27 dence kit is collected, a victim be provided with the contact information of
28 the person described in paragraph (a) of this subsection.

29 “(c) Provisions allowing sexual assault victims to request and receive in-
30 formation concerning sexual assault forensic evidence kits, including but not

1 limited to the location, testing date and testing results of a kit, whether a
2 DNA sample was obtained from the kit, whether or not there are matches
3 to DNA profiles in state or federal databases and the estimated destruction
4 date for the kit.

5 “(d) A requirement that the person described in paragraph (a) of this
6 subsection provide, in response to a victim inquiry concerning a sexual as-
7 sault forensic evidence kit, any information the victim requests in a manner
8 of communication designated by the victim, as soon as possible and within
9 30 days of the inquiry, unless the agency declines to provide the information
10 pursuant to paragraph (e) of this subsection.

11 “(e) Provisions allowing the agency to decline to provide information that
12 interferes with the investigation or prosecution of a case.

13 “(f) A procedure that allows a sexual assault victim to provide the agency
14 with written authorization for a designee to access information on the
15 victim’s behalf.”.

16 In line 20, delete “counties within this state” and insert “law enforcement
17 agencies located in rural jurisdictions”.

18 In line 21, delete “cities within this state” and insert “law enforcement
19 agencies located in urban jurisdictions”.

20 In line 25, delete “domestic violence” and insert “sexual assault” and after
21 “advocate” insert “from a community-based organization”.

22 In line 28, delete “and”.

23 After line 28, insert:

24 “(b) Examine and identify improvements for law enforcement training on
25 responding to and investigating sexual assaults;

26 “(c) Examine and identify improvements for victim access to evidence
27 other than sexual assault forensic evidence kits, including but not limited
28 to police reports and other physical evidence;

29 “(d) Examine and identify possible procedures for the testing of anony-
30 mous kits;

1 “(e) Examine and identify additional rights of victims concerning the
2 sexual assault forensic evidence kit testing process; and”.

3 In line 29, delete “(b)” and insert “(f)”.

4 On page 5, line 2, delete “Legislative Administration Committee” and in-
5 sert “Committee Services office of the Legislative Assembly”.

6 In line 8, delete “Legislative Administration”.

7 In line 9, after “Committee” insert “Services office of the Legislative As-
8 sembly”.

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