

SB 1571-2
(LC 197)
2/2/16 (JLM/ps)

Requested by SENATE COMMITTEE ON JUDICIARY

**PROPOSED AMENDMENTS TO
SENATE BILL 1571**

1 On page 1 of the printed bill, line 11, delete “131.550” and insert
2 “133.741”.

3 In line 18, after “person” delete the rest of the line and delete line 19 and
4 insert “from whom a sexual assault forensic evidence kit has been
5 collected.”.

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

8 On page 2, line 4, delete “and victims”.

9 In line 19, after “must” insert “be in writing, must be made available to
10 the public upon request and must”.

11 In line 36, after “designate” insert “at least”.

12 In line 40, delete “the person” and insert “a person”.

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

14 “(d) A requirement that a person described in paragraph (a) of this sub-
15 section provide, in response to a victim inquiry concerning a sexual assault
16 forensic evidence kit, any information the victim requests in a manner of
17 communication designated by the victim, as soon as possible and within 30
18 days of the inquiry, unless the agency declines to provide the information
19 pursuant to paragraph (e) of this subsection.”.

20 Delete lines 10 through 45.

21 On page 4, delete line 1 and insert:

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

2 **“Sec. 4.** (1) [*No later than January 1, 2017,*] Each law enforcement agency
3 within this state shall [*adopt*] **have** policies and procedures concerning the
4 collection, submission for testing, retention and destruction of sexual assault
5 forensic evidence kits. The policies and procedures must be in writing, must
6 be made available to the public upon request and must include:

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

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

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

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

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

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

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

27 “(a) A requirement that the agency designate at least one person within
28 the agency to receive all telephone inquiries concerning sexual assault
29 forensic evidence kits and to serve as a liaison between the agency and the
30 Department of State Police.

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

4 “(c) Provisions allowing sexual assault victims to request and receive in-
5 formation concerning sexual assault forensic evidence kits, including but not
6 limited to the location, testing date and testing results of a kit, whether a
7 DNA sample was obtained from the kit, whether or not there are matches
8 to DNA profiles in state or federal databases and the estimated destruction
9 date for the kit.

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

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

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

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

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

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

27 In line 28, delete “and”.

28 After line 28, insert:

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

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

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

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

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

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

11 In line 8, delete “Legislative Administration”.

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

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