

SB 1571-3
(LC 197)
2/8/16 (JLM/ps)

Requested by SENATE COMMITTEE ON JUDICIARY

**PROPOSED AMENDMENTS TO
SENATE BILL 1571**

1 On page 1 of the printed bill, line 4, delete “4” and insert “5”.

2 In line 6, delete “4” and insert “5”.

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, delete lines 3 through 5 and insert:

9 “(3)(a) The department shall designate an entity, position or class of po-
10 sitions to receive inquiries from law enforcement agencies and victims seek-
11 ing information concerning the testing of sexual assault forensic evidence
12 kits.

13 “(b) The department shall prohibit victims from directly contacting a
14 forensic laboratory performing testing of sexual assault forensic evidence
15 kits and may not publicize a means for victims to contact the laboratory.”.

16 In line 19, after “must” insert “be in writing, must be made available to
17 the public as soon as possible upon request and must”.

18 Delete lines 21 through 23 and insert:

19 “(b) A time limit by which the law enforcement agency must obtain a
20 sexual assault forensic evidence kit from a medical facility that is within
21 seven days after the medical facility notifies the agency that the evidence

1 has been collected.”.

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

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

9 Delete lines 10 through 45.

10 On page 4, delete line 1 and insert:

11 **“SECTION 5. A medical facility collecting sexual assault forensic
12 evidence kits shall, within seven days after the collection of a kit,
13 notify the law enforcement agency with jurisdiction over a possible
14 sexual assault criminal investigation that the kit has been collected.**

15 **“SECTION 6.** Section 4 of this 2016 Act is amended to read:

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

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

23 “(b) A time limit by which the law enforcement agency must obtain a
24 sexual assault forensic evidence kit from a medical facility that is within
25 seven days after the medical facility notifies the agency that the evidence
26 has been collected.

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

30 “(d) A requirement that the law enforcement agency submit to the de-

1 department information sufficient to allow the department to prioritize the
2 testing of a sexual assault forensic evidence kit according to the rules of the
3 department.

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

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

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

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

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

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

26 “(d) A requirement that the person described in paragraph (a) of this
27 subsection provide, in response to a victim inquiry concerning a sexual as-
28 sault forensic evidence kit, any information the victim requests in a manner
29 of communication designated by the victim, as soon as possible and within
30 30 days of the inquiry, unless the agency declines to provide the information

1 pursuant to paragraph (e) of this subsection.

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

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

7 In line 2, delete “6” and insert “7”.

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

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

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

14 In line 28, delete “and”.

15 After line 28, insert:

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

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

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

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

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

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

28 In line 8, delete “Legislative Administration”.

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

- 1 In line 14, delete “7” and insert “8” and delete “6” and insert “7”.
- 2 In line 15, delete “8” and insert “9” and delete “5” and insert “6”.
- 3 In line 17, delete “9” and insert “10”.

4 _____