

## **SB 1574 -1 STAFF MEASURE SUMMARY**

### **Senate Committee On Judiciary and Ballot Measure 110 Implementation**

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**Meeting Dates:** 2/9, 2/10

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#### **WHAT THE MEASURE DOES:**

Adds the sexual assault nurse examiner’s chart and examination notes to the definition of “sexual assault forensic evidence kit.”

#### **ISSUES DISCUSSED:**

- Victim control of records
- Health record privacy
- Using documents to refresh memory

#### **EFFECT OF AMENDMENT:**

-1 Adds medical examination form, including the exam history and documentation of injury and evidence collection, to the definition of “sexual assault forensic evidence kit”; removes reference to chart prepared by sexual assault nurse examiner. Specifies that victim must authorize inclusion of the medical examination form and documentation in the kit.

#### **BACKGROUND:**

A victim of sexual assault who receives an assessment at a medical facility provides information to the examiner regarding the incident and relevant events before and after the assault. The medical examiner documents the information, documents injuries, and collects forensic evidence for testing. After the medical assessment, the medical facility sends the forensic evidence kit to the Department of State Police. The victim can choose to remain anonymous and not participate in the creation of a report with law enforcement, and the forensic evidence kit would not be tested. The victim may choose at any time to participate in the creation of a report with law enforcement, and at that time the kit would be tested. The law requires preservation of all sexual assault forensic evidence kits for 60 years.

The medical examiner’s notes and documentation are not explicitly required to be part of the forensic evidence kit, and might not be preserved as a result. Medical facilities have their own retention policies and are not subject to the preservation period for sexual assault forensic evidence kits. Medical assessment documentation may be unavailable to assist a victim or medical examiner with recollection during prosecution, or to assist a victim who later chooses to make a report. If the definition of forensic evidence kit is changed to explicitly include the notes and documentation, it would require that information to be transmitted to the Department of State Police and be preserved as part of the sexual assault forensic evidence kit.

Senate Bill 1574 adds the sexual assault nurse examiner chart to the definition of a “sexual assault forensic evidence kit.”