

2016 -- S 2063

LC003057

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2016

A N A C T

RELATING TO CRIMINAL OFFENSES -- SEXUAL ASSAULT--STATEWIDE  
ACCOUNTING OF SEXUAL ASSAULT EVIDENCE COLLECTION KITS--SUBMISSION  
AND RETURN OF KITS

Introduced By: Senators Crowley, Sosnowski, Lynch Prata, Goldin, and Gallo

Date Introduced: January 13, 2016

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

SECTION 1. Chapter 11-37 of the General Laws entitled "Sexual Assault" is hereby  
amended by adding thereto the following section:

**11-37-13.4. Statewide accounting of untested and unsubmitted rape kits. -- (a)**

Definitions. – The following words and phrases, when used in this section, have the following meanings:

(1) "Forensic medical examination" means an examination provided to the victim of a sexually-oriented criminal offense by a healthcare provider for the purpose of gathering and preserving evidence of a sexual assault for use in a court of law;

(2) "Sexual assault evidence collection kit" means a human biological specimen or specimens collected by a healthcare provider during a forensic medical examination from the victim of a sexually-oriented criminal offense; and

(3) "Untested sexual assault evidence collection kit" means a sexual assault evidence collection kit that has not been submitted to the state crime laboratory or a similar qualified laboratory for either a serology or deoxyribonucleic acid (DNA) test.

(b) By November 1, 2016 all law enforcement agencies and departments charged with, or engaging in the maintenance, storage and preservation of sexual assault evidence collection kits shall conduct an inventory of all such kits being stored by the agency or department.

(c) By February 1, 2017 each law enforcement agency shall compile and prepare, in

1 writing, a report containing the number of untested sexual assault evidence collection kits in the  
2 possession of the agency or department and the date the sexual assault kit was collected. The  
3 report shall be transmitted to the attorney general of the state of Rhode Island.

4 (d) By July 1, 2017 the attorney general of the state of Rhode Island shall prepare and  
5 transmit a report to the president of the senate and the speaker of the house of representatives  
6 identifying and describing the number of untested sexual assault evidence collection kits being  
7 stored by each municipality, by each law enforcement agency or department, the date each  
8 untested kit was collected, and a plan for addressing any backlog of untested kits.

9 (e) On and after January 1, 2017, any sexual assault evidence collection kit that has been  
10 collected by any law enforcement agency or department shall be submitted to the state crime  
11 laboratory or a similar qualified laboratory for testing as provided under this chapter within  
12 seventy-two (72) hours after the collection of specimens for the sexual assault evidence collection  
13 kit. Any laboratory which receives such a sexual assault evidence collection kit shall test such kit  
14 and provide the results of these tests to the law enforcement agency or department which  
15 originally submitted the kit within one hundred eighty (180) days after the kit was originally  
16 submitted to the laboratory; provided, if a laboratory is unable to provide such results within the  
17 one hundred eighty (180) day time period, the laboratory shall provide within such period a  
18 statement describing:

19 (1) The reasons such testing has not been completed; and

20 (2) An expected date for the completion of such testing or, if applicable, the reasons why  
21 such testing cannot be completed.

22 SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
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1           This act would require law enforcement agencies to provide to the attorney general a  
2 report identifying and describing any untested sexual assault evidence collection kits, and would  
3 require the attorney general to submit to the president of the senate and the speaker of the house  
4 of representatives a plan for addressing any backlog of such kits. This act would also require that  
5 all sexual assault evidence collection kits be turned over to an appropriate laboratory within  
6 seventy-two (72) hours of the kit being administered, and would require laboratories to return the  
7 results of such testing within one hundred eighty (180) days after the submission of such kits.

8           This act would take effect upon passage.

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