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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 2419 Session of  
2018

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INTRODUCED BY SCHLOSSBERG, V. BROWN, DAVIS, ENGLISH, FRANKEL,  
KIRKLAND, KRUEGER-BRANEKY, MADDEN, J. McNEILL, MURT,  
M. QUINN, ROZZI, SCHWEYER, SIMS, SNYDER, THOMAS AND WATSON,  
MAY 8, 2018

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REFERRED TO COMMITTEE ON JUDICIARY, MAY 8, 2018

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AN ACT

1 Amending the act of November 29, 2006 (P.L.1471, No.165),  
2 entitled "An act providing for a sexual assault evidence  
3 collection program and for powers and duties of the  
4 Department of Health and the Pennsylvania State Police;  
5 establishing civil immunity; and providing for rights of  
6 sexual assault victims," further providing for sexual assault  
7 evidence collection program and for rights of sexual assault  
8 victims.

9 The General Assembly of the Commonwealth of Pennsylvania  
10 hereby enacts as follows:

11 Section 1. Sections 3 and 5 of the act of November 29, 2006  
12 (P.L.1471, No.165), known as the Sexual Assault Testing and  
13 Evidence Collection Act, are amended by adding subsections to  
14 read:

15 Section 3. Sexual assault evidence collection program.

16 \* \* \*

17 (c.1) Anonymous submissions.--The following shall apply to  
18 sexual assault evidence obtained by a health care facility at  
19 the request or with the consent of the victim who does not wish  
20 to make a report to law enforcement:

1       (1) Within 24 hours of collection of the sexual assault  
2 evidence, the health care facility shall notify the local law  
3 enforcement agency of the jurisdiction where the reported  
4 sexual assault occurred. If the victim does not wish to state  
5 where the sexual assault occurred, the health care facility  
6 shall notify the Pennsylvania State Police. The local law  
7 enforcement agency or Pennsylvania State Police shall take  
8 possession of the sexual assault evidence within 72 hours of  
9 receiving notice.

10       (2) The Pennsylvania State Police shall develop a form  
11 for the health care facility to attest that the victim gave  
12 consent and wishes to remain anonymous. The Pennsylvania  
13 State Police shall also develop a procedure to track the rape  
14 kit which permits the victim to make a report to law  
15 enforcement and preserves the evidence for at least two  
16 years.

17       (3) Within 15 days of receiving notice on the required  
18 form of consent to the testing of the sexual assault  
19 evidence, the local law enforcement agency or Pennsylvania  
20 State Police shall submit the evidence awaiting testing to a  
21 laboratory approved by the department for testing or  
22 analysis.

23       (4) A laboratory shall complete the testing or analysis  
24 of sexual assault evidence submitted under this section  
25 within six months from the date of receipt of the evidence.  
26 Backlogged evidence shall be reported by the laboratory to  
27 the department and to the local law enforcement agency or the  
28 Pennsylvania State Police.

29       (5) The failure of a health care facility, local law  
30 enforcement agency or the Pennsylvania State Police to submit

1 the sexual assault evidence in accordance with paragraph (1)  
2 or (3) shall not alter the authority of a local law  
3 enforcement agency or the Pennsylvania State Police to submit  
4 the evidence or the authority of a laboratory approved by the  
5 department to accept and analyze the evidence.

6 \* \* \*

7 Section 5. Rights of sexual assault victims.

8 \* \* \*

9 (b.1) Anonymous reporters.--

10 (1) A victim who has chosen to make an anonymous report  
11 may still elect to receive notification under this section.

12 (2) The form for consent for anonymous testing shall  
13 include a provision for submission of contact information for  
14 a victim requesting notification.

15 (3) The contact information provided for the purposes of  
16 notification shall not be used for any other purpose,  
17 including contacting the victim for investigative purposes.

18 \* \* \*

19 Section 2. This act shall take effect in 60 days.