

## AMENDMENTS TO SENATE BILL NO. 399

Sponsor: SENATOR LANGERHOLC

Printer's No. 381

1 Amend Bill, page 1, line 6, by inserting after "providing"  
2 for sexual assault evidence collection program,

3 Amend Bill, page 1, line 7, by inserting after "victims"  
4 and for report by Pennsylvania State Police

5 Amend Bill, page 1, lines 10 through 14, by striking out all  
6 of said lines and inserting

7 Section 1. Section 3(a)(6) and (c)(1) of the act of November  
8 29, 2006 (P.L.1471, No.165), known as the Sexual Assault Testing  
9 and Evidence Collection Act, amended October 24, 2018 (P.L.1192,  
10 No.164), are amended and the section is amended by adding a  
11 subsection to read:

12 Section 3. Sexual assault evidence collection program.

13 (a) Establishment.--There is hereby established a Statewide  
14 sexual assault evidence collection program to promote the health  
15 and safety of victims of sexual assault and to facilitate the  
16 prosecution of persons accused of sexual assault. This program  
17 shall be administered by the department. Under this program the  
18 department shall:

19 \* \* \*

20 (6) Establish a designated telephone number for the use  
21 of health care facilities who have notified local law  
22 enforcement or the Pennsylvania State Police to take  
23 possession of sexual assault evidence that has not been  
24 completed within 72 hours. The following apply:

25 (i) The telephone line shall be staffed by a live  
26 person during regular business hours.

27 (ii) The telephone line shall allow the health care  
28 facility to leave a voicemail.

29 (iii) After receiving a report by a health care  
30 facility under this paragraph, the department shall  
31 contact local law enforcement or the Pennsylvania State  
32 Police to take possession of the sexual assault evidence.

33 \* \* \*

34 (c) Submission and analysis.--The following shall apply to  
35 all sexual assault evidence obtained by a health care facility,

1 at the request or consent of the victim, on or after the  
2 effective date of this subsection:

3 (1) Within 12 hours of collection of sexual assault  
4 evidence, the health care facility shall notify the local law  
5 enforcement agency of the jurisdiction where the reported  
6 sexual assault occurred or the Pennsylvania State Police if  
7 the jurisdiction is unknown. The local law enforcement agency  
8 or the Pennsylvania State Police shall take possession of the  
9 sexual assault evidence within 72 hours of receiving notice.  
10 If local law enforcement or the Pennsylvania State Police has  
11 not taken possession of the sexual assault evidence within 72  
12 hours of notification, the health care facility shall notify  
13 the department through the designated telephone number. For  
14 those cases in which the victim has not yet consented to  
15 testing of the evidence, the evidence shall be preserved and  
16 stored for a period of no less than two years, unless consent  
17 is provided before that period. The Pennsylvania State  
18 Police, in consultation with the Pennsylvania Chiefs of  
19 Police Association and the Pennsylvania District Attorneys  
20 Association, shall establish policies for local law  
21 enforcement agencies relating to the storage and preservation  
22 of the evidence, including, but not limited to, the storage  
23 and preservation of evidence with unknown jurisdiction.

24 \* \* \*

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

29 (1) Within 12 hours of collection of the sexual assault  
30 evidence, the health care facility shall notify the local law  
31 enforcement agency of the jurisdiction where the reported  
32 sexual assault occurred. If the victim does not wish to state  
33 or does not know where the sexual assault occurred, the  
34 health care facility shall notify the Pennsylvania State  
35 Police. The local law enforcement agency or Pennsylvania  
36 State Police shall take possession of the sexual assault  
37 evidence within 72 hours of receiving notice.

38 (2) The Pennsylvania State Police shall develop a form  
39 for the health care facility to attest that the victim gave  
40 consent and wishes to remain anonymous. The Pennsylvania  
41 State Police shall also develop a procedure to track the rape  
42 kit, which permits the victim to make a report to law  
43 enforcement and preserves the evidence for 20 years or the  
44 duration of the maximum applicable criminal statute of  
45 limitations, whichever is shorter.

46 (3) Within 15 days of receiving notice on the required  
47 form of consent to the testing of the sexual assault  
48 evidence, the local law enforcement agency or Pennsylvania  
49 State Police shall submit the evidence awaiting testing to a  
50 laboratory approved by the department for testing or  
51 analysis.

1       (4) A laboratory shall complete the testing or analysis  
2 of sexual assault evidence submitted under this section  
3 within six months from the date of receipt of the evidence.

4       (5) The failure of a health care facility, local law  
5 enforcement agency or the Pennsylvania State Police to submit  
6 the sexual assault evidence in accordance with paragraph (1)  
7 or (3) shall not alter the authority of a local law  
8 enforcement agency or the authority of a laboratory approved  
9 by the department to accept and analyze the evidence.

10       \* \* \*

11       Section 2. Section 5 of the act is amended, subsection (a)  
12 is amended by adding paragraphs and the the section is amended  
13 by adding a subsection to read:

14       Amend Bill, page 2, line 10, by inserting after "for"

15       20 years or

16       Amend Bill, page 2, line 11, by inserting after "applicable"

17       criminal

18       Amend Bill, page 2, line 11, by inserting after "limitations"

19       , whichever is shorter

20       Amend Bill, page 3, line 4, by inserting after "Police"

21       , the Pennsylvania Chiefs of Police Association, the  
22 Pennsylvania District Attorneys Association

23       Amend Bill, page 3, line 13, by inserting after "Police"

24       , the Pennsylvania Chiefs of Police Association, the  
25 Pennsylvania District Attorneys Association

26       Amend Bill, page 4, by inserting between lines 8 and 9

27       Section 3. Section 6 of the act, added October 24, 2018  
28 (P.L.1192, No.164), is amended to read:  
29 Section 6. Report by Pennsylvania State Police.

30       In consultation with the department, PCAR and, as necessary  
31 with local law enforcement, the Pennsylvania State Police shall  
32 compile the following data and submit a report to the department  
33 by December 31, 2018, and [biannually] annually thereafter:

34       (1) The volume of sexual assault evidence [submitted]  
35 for which testing is completed.

36       (2) The volume of backlogged sexual assault evidence  
37 awaiting testing.

38       [(3) The rate of submission of sexual assault evidence  
39 by law enforcement agencies in compliance with the provisions  
40 of this act.]

41       (4) The [speed of testing of sexual assault evidence,  
42 average wait] average turnaround time to complete testing and  
43 reasons for any delays in submission or testing of sexual

1 assault evidence.

2 (5) A review of current practices, including interagency  
3 collaboration with law enforcement agencies and rape crisis  
4 centers, in rape kit evidence collection every two years.

5 Amend Bill, page 4, line 9, by striking out "2" and inserting

6 4