

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2032 Session of 2021

INTRODUCED BY SCHROEDER, MIHALEK, THOMAS, PENNYCUICK, LABS, HILL-EVANS, O'NEAL, KAIL, LEWIS DELROSSO, RYAN, MERCURI, TOOHL, MIZGORSKI, JOZWIAK, WARNER AND TOPPER, OCTOBER 28, 2021

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF REPRESENTATIVES, AS AMENDED, MAY 24, 2022

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.

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

10 Section 1. Section 3(c.1) of the act of November 29, 2006
11 (P.L.1471, No.165), known as the Sexual Assault Testing and
12 Evidence Collection Act, is amended by adding a paragraph to
13 read:

14 Section 3. Sexual assault evidence collection program.

15 * * *

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

1 * * *

2 (6) Failure to report injuries under 18 Pa.C.S. §
3 5106(a)(2) (relating to failure to report injuries by firearm
4 or criminal act) shall not constitute an offense if anonymous
5 submission is made under this subsection.

6 * * *

7 SECTION 2. THE FOLLOWING APPLY: <--

8 (1) THE PENNSYLVANIA STATE POLICE SHALL, IN CONSULTATION
9 WITH THE PENNSYLVANIA COALITION AGAINST RAPE, CONDUCT A STUDY
10 AND ISSUE A REPORT UNDER PARAGRAPH (2) THAT EXAMINES THE
11 RESOURCES REQUIRED TO IMPLEMENT A RAPE KIT TRACKING SYSTEM IN
12 THIS COMMONWEALTH THAT SHALL:

13 (I) BE OPERATED AND MANAGED BY THE PENNSYLVANIA
14 STATE POLICE FOR THE PURPOSE OF TRACKING ALL RAPE KITS
15 COLLECTED FOR TESTING OR ANALYSIS UNDER SECTION 3 OF THE
16 ACT.

17 (II) BE ACCESSIBLE TO SEXUAL ASSAULT VICTIMS AND
18 OTHER AUTHORIZED USERS AS DETERMINED BY THE PENNSYLVANIA
19 STATE POLICE.

20 (III) FUNCTION AS AN ONLINE ACCESSIBLE DATABASE
21 CAPABLE OF RECEIVING, MAINTAINING, STORING AND PRESERVING
22 TRACKING INFORMATION RELATED TO THE TESTING AND ANALYSIS
23 OF ALL RAPE KITS, INCLUDING THE FOLLOWING:

24 (A) THE LOCATION AND TESTING STATUS OF RAPE
25 KITS.

26 (B) VICTIM REFERRALS, INCLUDING AN INDIVIDUAL'S
27 RIGHTS AS A CRIME VICTIM UNDER THE ACT OF NOVEMBER
28 24, 1998 (P.L.882, NO.111), KNOWN AS THE CRIME
29 VICTIMS ACT.

30 (C) CONTACT INFORMATION FOR LOCAL RAPE CRISIS

1 SERVICES AND THE STATEWIDE RAPE CRISIS HOTLINE.

2 (IV) ALLOW LAW ENFORCEMENT AGENCIES, FORENSIC
3 LABORATORIES, HOSPITALS, HEALTH CARE FACILITIES OR OTHER
4 PERSONS OR ENTITIES HAVING USE OR CUSTODY OF RAPE KITS TO
5 ENTER INFORMATION INTO THE TRACKING SYSTEM.

6 (2) THE PENNSYLVANIA STATE POLICE SHALL ISSUE A REPORT
7 OF ITS FINDINGS AND RECOMMENDATIONS TO THE HOUSE OF
8 REPRESENTATIVES WITHIN 12 MONTHS OF THE EFFECTIVE DATE OF
9 THIS SECTION. THE REPORT SHALL, AT A MINIMUM, IDENTIFY THE
10 FOLLOWING:

11 (I) THE RESOURCES AND TRAINING NEEDED TO IMPLEMENT,
12 MANAGE AND MAINTAIN A RAPE KIT TRACKING SYSTEM.

13 (II) THE COSTS ASSOCIATED WITH IMPLEMENTING,
14 MANAGING AND MAINTAINING A RAPE KIT TRACKING SYSTEM.

15 (III) POTENTIAL SOURCES OF FUNDING FOR IMPLEMENTING,
16 MANAGING AND MAINTAINING A RAPE KIT TRACKING SYSTEM.

17 (IV) THE BENEFITS TO VICTIMS AND PUBLIC SAFETY
18 ASSOCIATED WITH IMPLEMENTING A RAPE KIT TRACKING SYSTEM
19 IN THIS COMMONWEALTH AND RECOMMENDATIONS ON IMPLEMENTING,
20 MANAGING AND MAINTAINING AN EFFICIENT AND COST-EFFECTIVE
21 RAPE KIT TRACKING SYSTEM.

22 (3) THE PENNSYLVANIA STATE POLICE SHALL POST THE REPORT
23 ISSUED UNDER PARAGRAPH (2) ON ITS PUBLICLY ACCESSIBLE
24 INTERNET WEBSITE.

25 Section ~~2~~ 3. This act shall take effect in 60 days.

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