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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 860 Session of  
2021

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INTRODUCED BY MUTH, KANE, FONTANA, COLLETT, SCAVELLO, BREWSTER,  
HUGHES, SANTARSIERO, KEARNEY, STREET, COSTA, SCHWANK AND  
COMITTA, SEPTEMBER 14, 2021

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REFERRED TO JUDICIARY, SEPTEMBER 14, 2021

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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 definitions  
7 and for sexual assault evidence collection program.

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

10 Section 1. The definition of "SART" in section 2 of the act  
11 of November 29, 2006 (P.L.1471, No.165), known as the Sexual  
12 Assault Testing and Evidence Collection Act, is amended and the  
13 section is amended by adding a definition to read:

14 Section 2. Definitions.

15 The following words and phrases when used in this act shall  
16 have the meanings given to them in this section unless the  
17 context clearly indicates otherwise:

18 \* \* \*

19 "Sexual assault nurse examiner" or "SANE." A registered  
20 professional nurse who has completed a sexual assault nurse

1 examiner training program and successfully passed an exam that  
2 meets the Sexual Assault Nurse Examiner Education Guidelines  
3 established by the International Association of Forensic Nurses  
4 and operates as a member of the sexual assault response team.

5 "Sexual assault response team" or "SART." [The Sexual  
6 Assault Response Team.] A health care practitioner who is  
7 certified as a sexual assault forensic examiner or sexual  
8 assault nurse examiner, local law enforcement agency or public  
9 or private agency responsible for coordinating or performing a  
10 medical forensic examination or delivery of subsequent medical  
11 or legal services to a victim.

12 \* \* \*

13 Section 2. Section 3 of the act is amended by adding a  
14 subsection to read:

15 Section 3. Sexual assault evidence collection program.

16 \* \* \*

17 (c.2) Tracking system.--No later than one year from the  
18 effective date of this subsection, the department, in  
19 conjunction with the recommendations of the Statewide Sexual  
20 Assault Evidence Collection Kit Tracking System advisory  
21 committee under paragraph (6), shall launch a Statewide tracking  
22 system for the purpose of electronically tracking all sexual  
23 assault evidence collection kits collected under this section.  
24 The following shall apply:

25 (1) The tracking system may be the system utilized in  
26 other states or may be a system developed by the Pennsylvania  
27 State Police. The tracking system shall be administered and  
28 funded jointly by the department and the Pennsylvania State  
29 Police, each having designated system administrators as  
30 needed to meet the demands of the system and the individuals

1 using the system. All technical onboarding, assistance and  
2 maintenance of the tracking system shall be provided by the  
3 Pennsylvania State Police. The department shall consider the  
4 following system aspects when choosing a tracking system to  
5 utilize:

6 (i) The tracking system shall be an online  
7 accessible database capable of receiving, maintaining,  
8 storing and preserving records related to all sexual  
9 assault evidence collection kits collected under  
10 subsection (c) and this subsection.

11 (ii) The tracking system shall have a publicly  
12 accessible Internet website, which shall include  
13 information and referral services for victims, including  
14 crime victim rights, local rape crisis centers,  
15 behavioral health, law enforcement, district attorneys  
16 and medical providers.

17 (iii) The tracking system shall be accessible by  
18 victims and authorized users as determined by the  
19 department and the Pennsylvania State Police.

20 (iv) The tracking system shall permit victims to  
21 anonymously access the system, and no personally  
22 identifiable information or medical records shall be  
23 entered into the system.

24 (v) The tracking system shall be capable of  
25 providing various reports.

26 (vi) The tracking system shall be capable of  
27 modifications and adjustments as may be recommended by  
28 the Statewide Sexual Assault Evidence Collection Kit  
29 Tracking System advisory committee.

30 (2) All medical providers, law enforcement agencies,

1 forensic laboratories or other persons or entities having use  
2 or custody of any sexual assault evidence collection kits in  
3 this Commonwealth shall participate in the tracking system  
4 and comply with the established rules, protocols and  
5 guidelines established by the department.

6 (3) All sexual assault evidence collection kits  
7 purchased or distributed on or after the launch of the system  
8 shall be trackable and comply with the requirements of the  
9 system.

10 (4) Each victim shall be able to track the location and  
11 status of the victim's sexual assault evidence collection kit  
12 and be able to determine whether the forensic testing of the  
13 kit has been completed.

14 (5) The department, in conjunction with the  
15 recommendations of the Statewide Sexual Assault Evidence  
16 Collection Kit Tracking System advisory committee, shall  
17 adopt rules, guidelines and protocols for the function and  
18 administration of the system, which shall address the  
19 following:

20 (i) The best options for maintaining the tracking  
21 system and ensuring ease of use and online access by  
22 entities and individuals, including developing  
23 instructions on how to use and access the database.

24 (ii) The best practices for ensuring victim privacy,  
25 confidentiality and safety.

26 (iii) The best practices for record retention within  
27 the tracking system.

28 (iv) Tracking kits of minor victims.

29 (v) Identifying and defining roles of entities and  
30 individuals who must have access to the tracking system.

1           (vi) Monitoring compliance of entities and  
2 individuals required to participate in the tracking  
3 system.

4           (vii) Streamlining the current kit inventory  
5 reporting requirements under subsection (d) by using  
6 reports generated by the tracking system.

7           (viii) Permitting partnerships between local law  
8 enforcement agencies for purposes of designating system  
9 users and contact resources for smaller law enforcement  
10 agencies.

11           (ix) Any other aspect of the tracking system's  
12 function, use or administration as may be required over  
13 time to ensure the system meets the needs of those using  
14 and accessing the system.

15           (6) For the purpose of providing recommendations to the  
16 department regarding the implementation, utilization and  
17 optimization of a Statewide tracking system, the secretary  
18 shall convene a Statewide Sexual Assault Evidence Collection  
19 Kit Tracking System advisory committee consisting of  
20 volunteer members representing the following:

21           (i) The Pennsylvania State Police.

22           (ii) The Office of Attorney General.

23           (iii) The Pennsylvania District Attorneys  
24 Association.

25           (iv) The Pennsylvania Chiefs of Police.

26           (v) The Office of the Victim Advocate.

27           (vi) The Pennsylvania Coalition Against Rape.

28           (vii) The International Association of Forensic  
29 Nurses.

30           (viii) The Hospital and Healthsystem Association.

- 1           (ix) A local sexual assault response team.  
2           (x) A sexual assault nurse examiner.  
3           (xi) A child advocacy center.  
4           (xii) Any other entity or individual having  
5           knowledge and experience relevant to the purpose of the  
6           advisory committee.

7           \* \* \*

8           Section 3. This act shall take effect in 60 days.