



HOUSE COMMITTEE ON APPROPRIATIONS

FISCAL NOTE

SENATE BILL NO. 399

PRINTERS NO. 947

PRIME SPONSOR: Langerholc

COST / (SAVINGS)

FUND	FY 2018/19	FY 2019/20
General Fund	\$0	See Fiscal Impact

SUMMARY: Senate Bill 399, Printer's Number 947, amends the Sexual Assault Testing and Evidence Collection Act to expand the current list of rights for survivors of sexual assault; to address anonymous submissions of sexual assault evidence and submissions for which jurisdiction is unknown.

ANALYSIS: This legislation amends the Sexual Assault Testing and Evidence Collection Act as follows:

Sexual Assault Evidence Collection:

In instances when a sexual assault victim does not wish to make a report to law enforcement, a health care facility which collects evidence from the victim is required to contact local law enforcement within 12 hours of collection. If the victim does not know or will not state where the assault occurred, the facility is required to notify the PA State Police, which must take possession of the collected evidence within 72 hours of notice.

In all instances when evidence is not collected with 72 hours, the facility is required to notify the Department of Health (DOH) via a designated telephone number, which line shall be staffed by a live person during regular business hours and shall allow callers to leave voicemail messages. DOH is then required to contact the PA State Police or local law enforcement to take possession of the evidence.

Rights of Sexual Assault Victims:

In addition to existing victims' rights under the Act regarding disclosure of information on forensic testing, SB 399 establishes the following rights:

- Not to be prevented from, or charged for, receiving a medical forensic examination.
- To receive written information on policies about the collection/preservation of rape kits, and to have a rape kit preserved without charge.
- To be informed at least 60 days prior to destruction/disposal of a rape kit.
- To consult with a sexual assault counselor.
- To receive information on protective orders, victim compensation, and restitution.

The bill requires the Attorney General to develop protocols for notifying sexual assault victims of their rights, in consultation with the Office of the Victim Advocate (OVA), the PA State Police, the PA Chiefs of Police Association, the PA District Attorneys Association and the PA Coalition Against Rape. OVA is charged with disseminating the protocols to law enforcement agencies, rape crisis centers, sexual assault counselors and health facilities; the remaining organizations are required to post the protocols on their public websites.

Reports by PA State Police:

The bill changes the PA State Police's duty to submit a report to DOH on the volume of sexual assault evidence submissions/testing to an annual report instead of every six months, and to include a review of current rape kit evidence collection practices every two years.

FISCAL IMPACT: According to the Pennsylvania State Police, the Bureau of Forensic Services (BFS) completed 1,245 sexual assault cases in 2017. The BFS does not store rape kits. All rape kits are returned upon completion to the law enforcement agency who submitted them.

Rape kits are generally stored in small manila envelopes that do not require climate-controlled conditions. Therefore, a limited amount of additional space may be required for the storage of such evidence for a longer period.

Retention of a rape kit where the victim has not consented to testing is a minimum of two years. Retention of a rape kit in an unsolved investigation where a DNA profile has been obtained is 75 years.

Additionally, the dissemination of the standard protocol to law enforcement agencies, rape crisis centers, sexual assault counselors and health care facilities and posting the same on the websites of the Attorney General, Pennsylvania State Police and Office of Victim Advocate would require some additional resources. Any costs related to fulfilling these additional duties would be minimal and capable of being accommodated within the agencies' current workload and budget.

PREPARED BY: Ann Bertolino
House Appropriations Committee (R)

DATE: June 19, 2019

Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.