

# SENATE APPROPRIATIONS COMMITTEE FISCAL NOTE

**BILL NO.** Senate Bill 399

**PRINTER NO.** 505

**AMOUNT**

No Fiscal Impact

**FUND**

General Fund

**DATE INTRODUCED**

March 11, 2019

**PRIME SPONSOR**

Senator Langerholc

**DESCRIPTION**

Senate Bill 399 amends Act 165 of 2006, entitled the "Sexual Assault Testing and Evidence Collection Act," to provide for additional rights for a sexual assault victim, guardian of a sexual assault victim or close relative of a deceased sexual assault victim.

Specifically, this legislation adds the following rights:

- The right not to be prevented from, or charged for, receiving a medical forensic examination;
- The right to have a sexual assault evidence collection kit or its probative contents relating to the victim preserved, without charge, for the duration of the maximum applicable statute of limitations and to be informed in writing of policies governing the collection and preservation of a sexual assault evidence collection kit;
- The right, upon written request, to receive written notification no later than 60 days before the date of the intended destruction or disposal of the sexual assault evidence collection kit or its probative contents;
- The right to consult with a sexual assault counselor;
- The right to information concerning availability of protective orders and policies related to the enforcement of protective orders;
- The right to information about the availability of, and eligibility for, victim compensation and restitution; and
- The right to be informed of the rights under this subsection.

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Additionally, this legislation does the following:

- Requires the Attorney General, in consultation with the Office of Victim Advocate, the Pennsylvania State Police and the Pennsylvania Coalition Against Rape, to develop a standard protocol for notifying sexual assault victims of information relating to evidence gathered regarding the victim. The Office of Victim Advocate shall disseminate the developed standard protocol to law enforcement agencies, rape crisis centers, sexual assault counselors and health care facilities that the Office of Victim Advocate determines are likely to encounter sexual assault victims. The Attorney General, Pennsylvania State Police and Office of Victim Advocate shall make the standard protocol available on a publicly accessible internet website;
- Provides for anonymous reporters, including a victim's right to still elect to receive notification under this section, and that their contact information provided shall not be used for any other purpose, including contacting the victim for investigative purposes;
- Adds "legal guardian" to the definition of "close relative of a deceased sexual assault victim;" and
- Adds a definition for "sexual assault counselor" by cross-referencing 42 Pa.C.S. § 5945.1 (relating to confidential communications with sexual assault counselors).

This Act shall take effect in 60 days.

### **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 of time.

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.