

# SENATE APPROPRIATIONS COMMITTEE

## FISCAL NOTE

**BILL NO.** Senate Bill 920

**PRINTER NO.** 1568

**AMOUNT**

See Fiscal Impact

**FUND**

General Fund

**DATE INTRODUCED**

January 22, 2024

**PRIME SPONSOR**

Senator Langerholc

**DESCRIPTION**

Senate Bill 920 amends the act of November 29, 2006 (P.L.1471, No.165), known as the Sexual Assault Testing and Evidence Collection Act (act) to establish a statewide sexual assault evidence tracking system.

This legislation amends the act by adding a new section 3.1 (relating to sexual assault evidence tracking system) requiring the Pennsylvania Commission on Crime and Delinquency (PCCD) to establish and maintain a statewide tracking system for evidence collected under the sexual assault evidence collection program.

This new section provides for the following:

- Requires PCCD to create and provide comprehensive training to inform all users who are not victims about the existence of the system, the requirements of the program and the requirements to use the tracking system;
- Clarifies that PCCD shall have the exclusive responsibility and authority to maintain and operate the tracking system's server, including a data backup system;
- Requires PCCD to provide aggregated data related to the system but prohibits the sharing of data via the Right-to-Know Law or any other relevant statute if doing so would compromise the safety of a victim or successful prosecution;
- Requires all entities that handle and process rape kits, including health care facilities, the Pennsylvania State Police, local law enforcement agencies and laboratories to participate in the system; and
- Clarifies that the tracking system shall serve as a resource for a victim and that information entered into the system shall not serve as an official status of the rape kit and shall not be admissible to challenge the chain of custody of evidence in a criminal proceeding.

Section 5 (relating to rights of sexual assault victims) is amended to provide sexual assault victims, guardians of a sexual assault victim or close relatives of a deceased sexual assault victim the following rights:

- 1) To be notified of the existence of the tracking system;
- 2) To be notified within 24 hours if the tracking system has been breached and status of the rape kit is accessed; and

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- 3) To request that the rape kit or the rape kit's probative contents be further preserved.

Section 6 (relating to report by Pennsylvania State Police) of the act is amended by requiring that the annual report be sent to the President pro tempore of the Senate and Speaker of the House of Representatives by December 31 of each year. Additionally, the report shall contain additional information, such as aggregated data from the tracking system, a review of the current operation of the system, recommendations for improvement and an evaluation of the ability to on-board all rape kits collected prior to the effective date that have not had the testing or analysis of the rape kit completed.

The bill establishes a waiver provision for the victim compensation program under the Crime Victims Act (act of November 24, 1998, P.L.882, No.111) when the victim's delay in filing for a compensation claim was the result of a delay in testing of rape kit evidence.

Amendments regarding the Pennsylvania State Police annual reporting requirements shall take effect as follows:

- One year for the change in recipients of the report and the evaluation of the ability to on-board outstanding rape kits; and
- 18 months for the remaining changes.

The establishment of the waiver regarding victims' compensation shall take effect in 60 days.

The remainder of the act shall take effect immediately.

### **FISCAL IMPACT:**

Act 70 of 2022 tasked the Pennsylvania State Police, in consultation with the Pennsylvania Coalition to Advance Respect, to conduct a study and issue a report that examines the resources required to implement a rape kit tracking system in the Commonwealth.

The available systems described in the report consist of two public (free) options and two private (vendor driven) options. The costs related to the free systems are driven by maintenance and personnel.

According to the Commission on Crime and Delinquency, referencing the track-kit system described in the report, the estimated costs to implement are \$1.5 million for the first year for servers, necessary software modifications, support and training. Annual costs to maintain the system are estimated to be \$1.2 million.

Additionally, according to the Pennsylvania State Police, any costs related to training and development of the process would be minimal and capable of being accommodated within the agency's current workload and budget.