

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2561 Session of  
2006

INTRODUCED BY BENNINGHOFF, BARRAR, GOODMAN, BELFANTI,  
CALTAGIRONE, CAPPELLI, CORNELL, CRAHALLA, DALLY, DeWEESE,  
FRANKEL, GEIST, GINGRICH, HARHAI, HARHART, HARPER, HARRIS,  
HERMAN, JAMES, KILLION, LEDERER, MACKERETH, MANDERINO, MANN,  
R. MILLER, MUNDY, PARKER, PICKETT, SATHER, SAYLOR, SCAVELLO,  
SIPTROTH, B. SMITH, SOLOBAY, SONNEY, STERN, R. STEVENSON,  
J. TAYLOR, THOMAS, TRUE, YOUNGBLOOD AND DENLINGER,  
APRIL 3, 2006

REFERRED TO COMMITTEE ON JUDICIARY, APRIL 3, 2006

AN ACT

1 Providing for a sexual assault evidence collection program and  
2 for powers and duties of the Department of Health and the  
3 Pennsylvania State Police; and establishing civil immunity.

4 The General Assembly of the Commonwealth of Pennsylvania  
5 hereby enacts as follows:

6 Section 1. Short title.

7 This act shall be known and may be cited as the Sexual  
8 Assault Testing and Evidence Collection Act.

9 Section 2. Definitions.

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

13 "Child advocacy center." A local public agency in this  
14 Commonwealth or a not-for-profit entity incorporated in this  
15 Commonwealth that is tax exempt under section 501(c)(3) of the

1 Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. §  
2 501(c)(3)) or any successor provision that operates within this  
3 Commonwealth for the primary purpose of providing a child-  
4 focused, facility-based program dedicated to coordinating a  
5 formalized multidisciplinary response to suspected child abuse.  
6 At a minimum, either on site or through a partnership with  
7 another entity or entities, a child advocacy center shall assist  
8 county agencies, investigative teams and law enforcement by  
9 providing services, including forensic interviews, medical  
10 evaluations, therapeutic interventions, victim support and  
11 advocacy, team case reviews and a system for case tracking.

12 "Date rape drug." Any sedating substance that can be used to  
13 incapacitate a victim, making that person more susceptible to  
14 sexual assault, including, but not limited to, Rohypnol,  
15 Ketamine, GHB, MDMA (Ecstasy) and their derivatives.

16 "PCAR." The Pennsylvania Coalition Against Rape.

17 "Rape kit." A sexual assault evidence collection kit.

18 "SART." The Sexual Assault Response Team.

19 "Sexual assault." Any of the offenses specified in 18  
20 Pa.C.S. Ch. 31 Subch. B (relating to definition of offenses).

21 "Victim of sexual assault" or "victim." A person who  
22 represents to a health care professional, hospital or other  
23 health care facility that the person has experienced a sexual  
24 assault.

25 Section 3. Sexual assault evidence collection program.

26 (a) Establishment.--There is hereby established a Statewide  
27 sexual assault evidence collection program to promote the health  
28 and safety of victims of sexual assault and to facilitate the  
29 prosecution of persons accused of sexual assault. This program  
30 shall be administered by the Department of Health. Under this

1 program the Department of Health shall:

2 (1) Consult with PCAR and the Pennsylvania State Police  
3 to develop minimum standard requirements for all rape kits  
4 used in hospitals, health care facilities and child advocacy  
5 centers in this Commonwealth.

6 (2) Test and approve commercially available rape kits  
7 for use in this Commonwealth.

8 (3) Review the minimum standard requirements for rape  
9 kits and prior-approved rape kits every three years to assure  
10 that rape kits meet state-of-the-art minimum standards.

11 (4) Consult with PCAR, the Pennsylvania State Police,  
12 the International Association of Forensic Nurses, the  
13 Hospital and Healthsystem Association of Pennsylvania and any  
14 local SART to establish a program to train hospital and  
15 health care facility personnel in the correct use and  
16 application of rape kits in order to maximize the health and  
17 safety of the victim and the potential to collect useful  
18 admissible evidence to prosecute persons accused of sexual  
19 assault.

20 (b) Duties of Pennsylvania State Police.--

21 (1) Where local law enforcement is unable to do so, the  
22 Pennsylvania State Police shall be responsible for collecting  
23 rape kits from hospitals and health care facilities after the  
24 kits have been used to collect evidence.

25 (2) When requested by local law enforcement, district  
26 attorneys or the Office of Attorney General, the Pennsylvania  
27 State Police shall be responsible for the analysis and  
28 laboratory testing of collected evidence, including samples  
29 that may contain traces of a date rape drug.

30 (3) The Pennsylvania State Police shall establish and

1 include as part of existing training programs for local law  
2 enforcement training to ensure that the chain of custody of  
3 all rape kits is established, to minimize any risk of  
4 tampering with evidence included in the rape kit and to  
5 insure that all useful and proper evidence in addition to the  
6 rape kit is collected at the hospital or health care  
7 facility.

8 Section 4. Civil immunity.

9 A health care professional, including a physician, nurse or  
10 health care provider, and a health care institution, including a  
11 hospital, clinic or health care facility, that provides evidence  
12 or information to a law enforcement officer pursuant to the  
13 request or consent of the victim is immune from any civil or  
14 professional liability that might arise from the action, with  
15 the exception of willful or wanton misconduct.

16 Section 20. Effective date.

17 This act shall take effect in 60 days.