
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1209 Session of
2018

INTRODUCED BY LANGERHOLC, RESCHENTHALER, KILLION, BREWSTER,
ARGALL, SCHWANK, RAFFERTY AND BAKER, JUNE 15, 2018

REFERRED TO JUDICIARY, JUNE 15, 2018

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 sexual assault
7 evidence collection program; and requiring the Pennsylvania
8 State Police to complete and submit a report.

9 The General Assembly of the Commonwealth of Pennsylvania

10 hereby enacts as follows:

11 Section 1. Section 3(a) and (c) of the act of November 29,
12 2006 (P.L.1471, No.165), known as the Sexual Assault Testing and
13 Evidence Collection Act, are amended to read:

14 Section 3. Sexual assault evidence collection program.

15 (a) Establishment.--There is hereby established a Statewide
16 sexual assault evidence collection program to promote the health
17 and safety of victims of sexual assault and to facilitate the
18 prosecution of persons accused of sexual assault. This program
19 shall be administered by the department. Under this program the
20 department shall:

21 (1) Consult with PCAR and the Pennsylvania State Police

1 to develop minimum standard requirements for all rape kits
2 used in hospitals and health care facilities in this
3 Commonwealth.

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

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

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

18 (5) Approve, with concurrence from the Pennsylvania
19 State Police and in consultation with PCAR, certain
20 laboratories to receive sexual assault evidence for testing
21 and analysis under subsection (c). The department shall
22 establish guidelines on the criteria that a laboratory must
23 meet to be approved under this paragraph within six months of
24 the effective date of this paragraph. Laboratories which have
25 been approved by the Federal Bureau of Investigation to
26 access CODIS or an equivalent federally administered national
27 DNA database shall be automatically approved to receive
28 sexual assault evidence for testing and analysis under
29 subsection (c).

30 (6) Establish a designated telephone number for the use

1 of health care facilities who have notified local law
2 enforcement to take possession of sexual assault evidence
3 that has not been completed within 72 hours.

4 * * *

5 (c) Submission and analysis.--The following shall apply to
6 all sexual assault evidence obtained by a health care facility,
7 at the request or consent of the victim, on or after the
8 effective date of this subsection:

9 (1) [As soon as practical] Within 12 hours of collection
10 of sexual assault evidence, the health care facility shall
11 notify the local law enforcement agency of the jurisdiction
12 where the reported sexual assault occurred. The local law
13 enforcement agency shall take possession of the sexual
14 assault evidence within 72 hours of receiving notice. If
15 local law enforcement has not taken possession of the sexual
16 assault evidence within 72 hours of notification, the health
17 care facility shall notify the department through the
18 designated telephone number. For those cases in which the
19 victim has not yet consented to testing of the evidence, the
20 evidence shall be preserved and stored for a period of no
21 less than two years, unless consent is provided before that
22 period. The Pennsylvania State Police, in consultation with
23 the Pennsylvania Chiefs of Police Association and the
24 Pennsylvania District Attorneys Association, shall establish
25 policies for local law enforcement agencies relating to the
26 storage and preservation of the evidence.

27 (2) If a victim wishes to consent to the testing of the
28 sexual assault evidence, the victim or a victim advocate
29 acting at the victim's direction shall provide written notice
30 to the local law enforcement agency and the district attorney

1 of the jurisdiction where the reported sexual assault
2 occurred.

3 (3) Within 15 days of receiving written notice of
4 consent to the testing of the sexual assault evidence, the
5 local law enforcement agency shall submit the evidence
6 awaiting testing to a laboratory approved by the department
7 for testing or analysis. The district attorney, in
8 consultation with the local law enforcement agency, shall
9 establish policies and procedures to ensure that [timely]
10 submission of the evidence [has occurred] occurs within 15
11 days of receiving notice of consent. Except for cases in
12 which the local law enforcement agency and the laboratory are
13 the same entity, each submission of evidence shall be
14 accompanied by the following signed certification:

15 This evidence is being submitted by (name of local
16 law enforcement agency) in connection with a reported
17 sexual assault and must be completed within six
18 months of receipt.

19 (4) A laboratory shall complete the testing or analysis
20 of all sexual assault evidence submitted pursuant to this
21 section within six months from the date of receipt of the
22 evidence[, if possible]. Backlogged evidence shall be
23 reported as such by the laboratory to the department and to
24 the local law enforcement agency that submitted the evidence.

25 (5) The failure of a health care facility or local law
26 enforcement agency to submit the sexual assault evidence in
27 accordance with paragraph (1) or (3) shall not alter the
28 authority of a local law enforcement agency to submit the
29 evidence or the authority of a laboratory approved by the
30 department to accept and analyze the evidence.

1 * * *

2 Section 2. The act is amended by adding a section to read:

3 Section 6. Report by Pennsylvania State Police.

4 In consultation with the department, PCAR and, as necessary
5 with local law enforcement, the Pennsylvania State Police shall
6 compile the following data and submit a report to the department
7 by December 31, 2018, and biannually thereafter:

8 (1) The volume of sexual assault evidence submitted for
9 testing.

10 (2) The volume of sexual assault evidence awaiting
11 testing.

12 (3) The rate of submission of sexual assault evidence by
13 law enforcement agencies in compliance with the provisions of
14 this act.

15 (4) The speed of testing of sexual assault evidence,
16 average wait time to complete testing and reasons for any
17 delays in submission or testing of sexual assault evidence.

18 (5) A review of current practices, including interagency
19 collaboration with law enforcement agencies and rape crisis
20 centers, in rape kit evidence collection.

21 Section 3. This act shall take effect as follows:

22 (1) The following provisions shall take effect
23 immediately:

24 (i) The addition of section 3(a)(6) of the act.

25 (ii) This section.

26 (2) The remainder of this act shall take effect in 60
27 days.