
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1848 Session of
2021

INTRODUCED BY McCLINTON, TOOHIL, BURGOS, SCHLOSSBERG, MARKOSEK,
BOBACK, ISAACSON, HILL-EVANS, HANBIDGE, HOWARD, FREEMAN,
DRISCOLL, KINKEAD, DEASY, McNEILL, LONGIETTI, HOHENSTEIN,
A. DAVIS, FRANKEL, ROZZI, SCHWEYER, DAVIDSON, NEILSON,
THOMAS, SIMS, GALLOWAY, MADDEN, O'MARA, INNAMORATO, DELLOSO,
D. WILLIAMS, SANCHEZ, CONKLIN, CIRESI, GILLEN, BRIGGS AND
STRUZZI, SEPTEMBER 10, 2021

REFERRED TO COMMITTEE ON JUDICIARY, SEPTEMBER 10, 2021

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 definitions
7 and for sexual assault evidence collection program.

8 The General Assembly of the Commonwealth of Pennsylvania
9 hereby enacts as follows:

10 Section 1. The definition of "SART" in section 2 of the act
11 of November 29, 2006 (P.L.1471, No.165), known as the Sexual
12 Assault Testing and Evidence Collection Act, is amended and the
13 section is amended by adding a definition to read:

14 Section 2. Definitions.

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

18 * * *

1 "Sexual assault nurse examiner" or "SANE." A registered
2 professional nurse who has completed a sexual assault nurse
3 examiner training program and successfully passed an exam that
4 meets the Sexual Assault Nurse Examiner Education Guidelines
5 established by the International Association of Forensic Nurses
6 and operates as a member of the sexual assault response team.

7 "Sexual assault response team" or "SART." [The Sexual
8 Assault Response Team.] A health care practitioner who is
9 certified as a sexual assault forensic examiner or sexual
10 assault nurse examiner, local law enforcement agency or public
11 or private agency responsible for coordinating or performing a
12 medical forensic examination or delivery of subsequent medical
13 or legal services to a victim.

14 * * *

15 Section 2. Section 3 of the act is amended by adding a
16 subsection to read:

17 Section 3. Sexual assault evidence collection program.

18 * * *

19 (c.2) Tracking system.--No later than one year from the
20 effective date of this subsection, the department, in
21 conjunction with the recommendations of the Statewide Sexual
22 Assault Evidence Collection Kit Tracking System advisory
23 committee under paragraph (6), shall launch a Statewide tracking
24 system for the purpose of electronically tracking all sexual
25 assault evidence collection kits collected under this section.
26 The following shall apply:

27 (1) The tracking system may be the system utilized in
28 other states or may be a system developed by the Pennsylvania
29 State Police. The tracking system shall be administered and
30 funded jointly by the department and the Pennsylvania State

1 Police, each having designated system administrators as
2 needed to meet the demands of the system and the individuals
3 using the system. All technical onboarding, assistance and
4 maintenance of the tracking system shall be provided by the
5 Pennsylvania State Police. The department shall consider the
6 following system aspects when choosing a tracking system to
7 utilize:

8 (i) The tracking system shall be an online
9 accessible database capable of receiving, maintaining,
10 storing and preserving records related to all sexual
11 assault evidence collection kits collected under
12 subsection (c) and this subsection.

13 (ii) The tracking system shall have a publicly
14 accessible Internet website, which shall include
15 information and referral services for victims, including
16 crime victim rights, local rape crisis centers,
17 behavioral health, law enforcement, district attorneys
18 and medical providers.

19 (iii) The tracking system shall be accessible by
20 victims and authorized users as determined by the
21 department and the Pennsylvania State Police.

22 (iv) The tracking system shall permit victims to
23 anonymously access the system, and no personally
24 identifiable information or medical records shall be
25 entered into the system.

26 (v) The tracking system shall be capable of
27 providing various reports.

28 (vi) The tracking system shall be capable of
29 modifications and adjustments as may be recommended by
30 the Statewide Sexual Assault Evidence Collection Kit

1 Tracking System advisory committee.

2 (2) All medical providers, law enforcement agencies,
3 forensic laboratories or other persons or entities having use
4 or custody of any sexual assault evidence collection kits in
5 this Commonwealth shall participate in the tracking system
6 and comply with the established rules, protocols and
7 guidelines established by the department.

8 (3) All sexual assault evidence collection kits
9 purchased or distributed on or after the launch of the system
10 shall be trackable and comply with the requirements of the
11 system.

12 (4) Each victim shall be able to track the location and
13 status of the victim's sexual assault evidence collection kit
14 and be able to determine whether the forensic testing of the
15 kit has been completed.

16 (5) The department, in conjunction with the
17 recommendations of the Statewide Sexual Assault Evidence
18 Collection Kit Tracking System advisory committee, shall
19 adopt rules, guidelines and protocols for the function and
20 administration of the system, which shall address the
21 following:

22 (i) The best options for maintaining the tracking
23 system and ensuring ease of use and online access by
24 entities and individuals, including developing
25 instructions on how to use and access the database.

26 (ii) The best practices for ensuring victim privacy,
27 confidentiality and safety.

28 (iii) The best practices for record retention within
29 the tracking system.

30 (iv) Tracking kits of minor victims.

1 (v) Identifying and defining roles of entities and
2 individuals who must have access to the tracking system.

3 (vi) Monitoring compliance of entities and
4 individuals required to participate in the tracking
5 system.

6 (vii) Streamlining the current kit inventory
7 reporting requirements under subsection (d) by using
8 reports generated by the tracking system.

9 (viii) Permitting partnerships between local law
10 enforcement agencies for purposes of designating system
11 users and contact resources for smaller law enforcement
12 agencies.

13 (ix) Any other aspect of the tracking system's
14 function, use or administration as may be required over
15 time to ensure the system meets the needs of those using
16 and accessing the system.

17 (6) For the purpose of providing recommendations to the
18 department regarding the implementation, utilization and
19 optimization of a Statewide tracking system, the secretary
20 shall convene a Statewide Sexual Assault Evidence Collection
21 Kit Tracking System advisory committee consisting of
22 volunteer members representing the following:

23 (i) The Pennsylvania State Police.

24 (ii) The Office of Attorney General.

25 (iii) The Pennsylvania District Attorneys
26 Association.

27 (iv) The Pennsylvania Chiefs of Police.

28 (v) The Office of the Victim Advocate.

29 (vi) The Pennsylvania Coalition Against Rape.

30 (vii) The International Association of Forensic

1 Nurses.

2 (viii) The Hospital and Healthsystem Association.

3 (ix) A local sexual assault response team.

4 (x) A sexual assault nurse examiner.

5 (xi) A child advocacy center.

6 (xii) Any other entity or individual having

7 knowledge and experience relevant to the purpose of the

8 advisory committee.

9 * * *

10 Section 3. This act shall take effect in 60 days.