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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 920 Session of 2024

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INTRODUCED BY LANGERHOLC, ROBINSON, MARTIN, STEFANO, HAYWOOD AND  
VOGEL, JANUARY 22, 2024

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REFERRED TO JUDICIARY, JANUARY 22, 2024

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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 providing for sexual assault evidence tracking system; and  
8 further providing for rights of sexual assault victims and  
9 for report by Pennsylvania State Police.

10 The General Assembly of the Commonwealth of Pennsylvania  
11 hereby enacts as follows:

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

16 Section 2. Definitions.

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

20 \* \* \*

21 "Commission." The Pennsylvania Commission on Crime and

1 Delinquency.

2 \* \* \*

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

4 Section 3.1. Sexual assault evidence tracking system.

5 (a) Establishment.--Within 180 days of the effective date of  
6 this subsection, in coordination with the Pennsylvania State  
7 Police, the commission shall establish and maintain a Statewide  
8 tracking system for evidence collected under the sexual assault  
9 evidence collection program. The commission may:

10 (1) Purchase an electronic off-the-shelf tracking system  
11 if the system meets all of the requirements of this section.

12 (2) Apply for Federal funding to establish and maintain  
13 the tracking system.

14 (b) Requirements of system.--The sexual assault evidence  
15 tracking system shall:

16 (1) Be electronic and web-based.

17 (2) Be administered by the commission, with assistance  
18 from the Department of Health, the Office of Attorney General  
19 and the Pennsylvania State Police.

20 (3) Have help desk availability at all times.

21 (4) Ensure that the contact information for PCAR, the  
22 Pennsylvania State Police or the local law enforcement agency  
23 is accessible to the victim through the tracking system.

24 (5) Allow for the victim to opt in for automatic  
25 notifications when status updates are entered in the system.

26 (6) Include at each step of the process a brief  
27 explanation of the general purpose of that step and a general  
28 indication of how long the step may take to complete.

29 (7) A safety or escape exit that allows a victim to  
30 quickly close the tracking system on their device.

1           (8) Allow for secure access, controlled by the  
2 commission, that shall restrict user access and allow  
3 different permissions based on the need of the particular  
4 user. The commission shall only approve the users necessary  
5 for the operation of the system and accurate and complete  
6 information.

7           (9) Provide users, other than victims, the ability to  
8 provide for any individual who is granted access to the  
9 program their own unique user identification and password.

10           (10) Provide a mechanism for a victim to enter the  
11 system and only access the information pertaining to the  
12 victim.

13           (11) Enable sexual assault evidence to be tracked and  
14 identified through the unique sexual assault evidence kit  
15 identification number or bar code that the vendor applies to  
16 each sexual assault evidence kit.

17           (12) Provide the ability to record the date, time and  
18 user identification when a user accesses the system.

19           (13) Require that a victim's access to the system remain  
20 anonymous to all parties.

21           (14) Provide the user with the ability to use the system  
22 in their preferred language.

23           (15) Contain the following fields for tracking and  
24 reporting as follows:

25           (i) For health care facilities fields:

26           (A) The date that the sexual assault evidence  
27 was collected.

28           (B) The date and time that notification was made  
29 to the local law enforcement agency or the  
30 Pennsylvania State Police.

1           (ii) For local law enforcement agencies and the  
2 Pennsylvania State Police:

3           (A) The date that the local law enforcement  
4 agency or the Pennsylvania State Police took  
5 possession of the sexual assault evidence from the  
6 health care facility.

7           (B) The date that the local law enforcement  
8 agency or the Pennsylvania State Police submitted the  
9 evidence to a laboratory for analysis.

10          (C) The date that the local law enforcement  
11 agency or the Pennsylvania State Police received the  
12 sexual assault evidence results back from the  
13 laboratory.

14          (iii) For laboratories:

15          (A) The date that the sexual assault evidence is  
16 received from the local law enforcement agency or the  
17 Pennsylvania State Police.

18          (B) The date that the laboratory completes the  
19 analysis of the sexual assault evidence.

20          (c) Opt out.--When sexual assault evidence is collected from  
21 a victim, the victim shall be notified of the system. A victim  
22 shall have the right to opt out of the system. If the victim  
23 opts out, no information shall be entered into the system.

24          (d) Training.--The commission shall create and provide  
25 comprehensive training to inform all users who are not victims  
26 about the existence of the tracking system, the requirements of  
27 the program and the requirements to use the tracking system. The  
28 commission and PCAR shall post on their publicly accessible  
29 Internet websites tutorials on how to use the system for  
30 victims. The commission shall provide health care facilities and

1 PCAR with resources for victims on the system.

2 (e) Prior rape kits collected.--In coordination with the  
3 Pennsylvania State Police, the department and PCAR, the  
4 commission shall develop a plan and begin implementing the plan  
5 to onboard into the system all rape kits collected before the  
6 effective date of this subsection that have not had the testing  
7 or analysis of the rape kit completed. The commission shall  
8 notify the victim prior to onboarding into the system the  
9 victim's rape kit and provide the victim with the relevant  
10 information to track the rape kit in the system.

11 (f) Data.--Notwithstanding any other provision of law, the  
12 commission shall provide aggregate data related to the system  
13 and may not provide data that would otherwise compromise the  
14 safety of the victim or a successful prosecution when data is  
15 requested under the act of February 14, 2008 (P.L.6, No.3),  
16 known as the Right-to-Know Law, or any other relevant statute.

17 Section 3. Section 5(a) introductory paragraph, (1) and (2)  
18 of the act are amended, paragraph (3) is amended by adding a  
19 subparagraph and the subsection is amended by adding paragraphs  
20 to read:

21 Section 5. Rights of sexual assault victims.

22 (a) General rule.--In addition to the rights provided under  
23 the act of November 24, 1998 (P.L.882, No.111), known as the  
24 Crime Victims Act, a sexual assault victim, guardian of a sexual  
25 assault victim or close relative of a deceased sexual assault  
26 victim shall have all of the following rights[, if requested by  
27 the victim, guardian or relative]:

28 (1) The right to, upon request by the victim, guardian  
29 or relative, a disclosure of information regarding the  
30 submission of any evidence for forensic testing that was

1 collected from the victim during the investigation of the  
2 offense, unless disclosing the information would interfere  
3 with the investigation or prosecution of the offense, in  
4 which case the victim, guardian or relative shall be informed  
5 of the estimated date on which the information is expected to  
6 be disclosed, if known.

7 (2) The right to, upon request by the victim, guardian  
8 or relative, a disclosure of information regarding the status  
9 of any analysis being performed on any evidence that was  
10 collected during the investigation of the offense.

11 (3) The right to be notified:

12 \* \* \*

13 (iv) Within 24 hours if the system established under  
14 section 3.1 has a breach by an unauthorized user and the  
15 commission believes that the status of a victim's rape  
16 kit has been accessed.

17 \* \* \*

18 (6.1) The right to, upon written request, be granted  
19 further preservation of the kit or the kit's probative  
20 contents.

21 \* \* \*

22 (9.1) The right to be notified of and to opt out of the  
23 tracking system established under section 3.1.

24 \* \* \*

25 Section 4. Section 6 introductory paragraph of the act is  
26 amended and the section is amended by adding paragraphs to read:  
27 Section 6. Report by Pennsylvania State Police.

28 In consultation with the commission, department, PCAR and, as  
29 necessary with local law enforcement, the Pennsylvania State  
30 Police shall compile the following data and submit a report to

1 the department [by December 31, 2018, and annually thereafter],  
2 President pro tempore of the Senate and Speaker of the House of  
3 Representatives by December 31 each year:

4 \* \* \*

5 (6) Aggregate data provided by the system established  
6 under section 3.1.

7 (7) A review of the current operation of the system  
8 established under section 3.1, best practices in other states  
9 and any recommended improvements to the system.

10 Section 5. This act shall take effect as follows:

11 (1) The amendment or addition of section 6 introductory  
12 paragraph, (6) and (7) of the act shall take effect in 180  
13 days.

14 (2) The remainder of this act shall take effect  
15 immediately.