

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 920 Session of 2024

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

SENATOR BAKER, JUDICIARY, AS AMENDED, APRIL 8, 2024

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; AND PROVIDING FOR <--
10 WAIVER FOR VICTIM.

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

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

17 Section 2. Definitions.

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

21 * * *

22 "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 NO LATER THAN ONE <--
6 YEAR FROM the effective date of this subsection, in coordination
7 with the Pennsylvania State Police, the commission shall
8 establish and maintain a Statewide tracking system for evidence
9 collected under the sexual assault evidence collection program.

10 The commission may:

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

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

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

17 (1) Be electronic and web-based.

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

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

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

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

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

30 (7) A safety or escape exit that allows a victim to

1 quickly close the tracking system on their device.

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

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

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

14 (11) Enable sexual assault evidence to be tracked and
15 identified through the unique ~~sexual assault evidence kit~~ <--
16 ~~identification number or bar code that the vendor applies to~~
17 ~~each sexual assault evidence kit.~~ RAPE KIT IDENTIFICATION <--
18 NUMBER, BAR CODE OR OTHER UNIQUE IDENTIFICATION FEATURE
19 APPROVED BY THE COMMISSION THAT THE VENDOR APPLIES TO EACH
20 RAPE KIT.

21 (12) Provide the ability to record the date, time and
22 user identification when a user, WHO IS NOT A VICTIM, <--
23 accesses the system.

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

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

28 (15) TRACK THE DESTRUCTION OF A RAPE KIT AFTER ANALYSIS <--
29 OF THE RAPE KIT IS COMPLETED.

30 ~~(15)~~ (16) Contain the following fields for tracking and <--

1 reporting as follows:

2 (i) For health care facilities fields:

3 (A) The date that the sexual assault evidence
4 was collected.

5 (B) The date and time that notification was made
6 to the local law enforcement agency or the
7 Pennsylvania State Police.

8 (ii) For local law enforcement agencies and the
9 Pennsylvania State Police:

10 (A) The date that the local law enforcement
11 agency or the Pennsylvania State Police took
12 possession of the sexual assault evidence from the
13 health care facility.

14 (B) The date that the local law enforcement
15 agency or the Pennsylvania State Police submitted the
16 evidence to a laboratory for analysis.

17 (C) The date that the local law enforcement
18 agency or the Pennsylvania State Police received the
19 sexual assault evidence results back from the
20 laboratory.

21 (iii) For laboratories:

22 (A) The date that the sexual assault evidence is
23 received from the local law enforcement agency or the
24 Pennsylvania State Police.

25 (B) The date that the laboratory completes the
26 analysis of the sexual assault evidence.

27 ~~(c) Opt out. When sexual assault evidence is collected from~~<--
28 ~~a victim, the victim shall be notified of the system. A victim~~
29 ~~shall have the right to opt out of the system. If the victim~~
30 ~~opts out, no information shall be entered into the system.~~

1 ~~(d)~~ (C) Training.--The commission shall create and provide <--
2 comprehensive training to inform all users who are not victims
3 about the existence of the tracking system, the requirements of
4 the program and the requirements to use the tracking system. The
5 commission and PCAR shall post on their publicly accessible
6 Internet websites tutorials on how to use the system for
7 victims. The commission shall provide health care facilities and
8 PCAR with resources for victims on the system.

9 ~~(e)~~ ~~Prior rape kits collected. In coordination with the~~ <--
10 ~~Pennsylvania State Police, the department and PCAR, the~~
11 ~~commission shall develop a plan and begin implementing the plan~~
12 ~~to onboard into the system all rape kits collected before the~~
13 ~~effective date of this subsection that have not had the testing~~
14 ~~or analysis of the rape kit completed. The commission shall~~
15 ~~notify the victim prior to onboarding into the system the~~
16 ~~victim's rape kit and provide the victim with the relevant~~
17 ~~information to track the rape kit in the system.~~

18 ~~(f)~~ (D) Data.--Notwithstanding any other provision of law, <--
19 the commission shall provide aggregate data related to the
20 system and may not provide data that would otherwise compromise
21 the safety of the victim or a successful prosecution when data
22 is requested under the act of February 14, 2008 (P.L.6, No.3),
23 known as the Right-to-Know Law, or any other relevant statute.

24 (E) PARTICIPATION.--ALL ENTITIES THAT HANDLE AND PROCESS <--
25 RAPE KITS, INCLUDING HEALTH CARE FACILITIES, THE PENNSYLVANIA
26 STATE POLICE, LOCAL LAW ENFORCEMENT AGENCIES AND LABORATORIES,
27 SHALL PARTICIPATE IN THE SYSTEM.

28 Section 3. Section 5(a) introductory paragraph, (1) and (2)
29 of the act are amended, paragraph (3) is amended by adding a
30 subparagraph and the subsection is amended by adding paragraphs

1 to read:

2 Section 5. Rights of sexual assault victims.

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

9 (1) The right to, upon request by the victim, guardian
10 or relative, a disclosure of information regarding the
11 submission of any evidence for forensic testing that was
12 collected from the victim during the investigation of the
13 offense, unless disclosing the information would interfere
14 with the investigation or prosecution of the offense, in
15 which case the victim, guardian or relative shall be informed
16 of the estimated date on which the information is expected to
17 be disclosed, if known.

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

22 (3) The right to be notified:

23 * * *

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

28 * * *

29 (6.1) The right to, upon written request, be granted
30 further preservation of the kit or the kit's probative <--

1 ~~contents.~~ RAPE KIT OR THE RAPE KIT'S PROBATIVE CONTENTS BY <--
2 THE APPROPRIATE OFFICIAL WITH CUSTODY OF THE RAPE KIT.

3 * * *

4 (9.1) The right to be notified of and to opt out of the <--
5 tracking system established under section 3.1.

6 * * *

7 Section 4. Section 6 introductory paragraph of the act is
8 amended and the section is amended by adding paragraphs to read:

9 Section 6. Report by Pennsylvania State Police.

10 In consultation with the commission, department, PCAR and, as
11 necessary with local law enforcement, the Pennsylvania State
12 Police shall compile the following data and submit a report to
13 the department [by December 31, 2018, and annually thereafter],
14 President pro tempore of the Senate and Speaker of the House of
15 Representatives by December 31 each year:

16 * * *

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

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

22 ~~Section 5. This act shall take effect as follows:~~ <--

23 ~~(1) The amendment or addition of section 6 introductory~~
24 ~~paragraph, (6) and (7) of the act shall take effect in 180-~~
25 ~~days.~~

26 ~~(2) The remainder of this act shall take effect~~
27 ~~immediately.~~

28 (8) AN EVALUATION ON THE ABILITY TO ON-BOARD ALL RAPE <--
29 KITS COLLECTED PRIOR TO THE EFFECTIVE DATE OF THIS PARAGRAPH
30 THAT HAVE NOT HAD THE TESTING OR ANALYSIS OF THE RAPE KIT

1 COMPLETED. THIS PARAGRAPH SHALL EXPIRE THREE YEARS AFTER THE
2 EFFECTIVE DATE OF THIS PARAGRAPH.

3 SECTION 5. THE ACT IS AMENDED BY ADDING A SECTION TO READ:

4 SECTION 7. WAIVER FOR VICTIM.

5 THE FOLLOWING SHALL APPLY:

6 (1) A CLAIM FOR COMPENSATION FILED BY A DIRECT VICTIM,
7 AS DEFINED UNDER SECTION 103 OF THE ACT OF NOVEMBER 24, 1998
8 (P.L.882, NO.111), KNOWN AS THE CRIME VICTIMS ACT, WHO IS
9 OTHERWISE ELIGIBLE FOR COMPENSATION UNDER THE CRIME VICTIMS
10 ACT AND THE DELAY IN FILING AN APPLICATION WAS A RESULT OF A
11 DELAY IN TESTING OF, OR A DELAY IN DNA PROFILE MATCHING FROM,
12 A RAPE KIT OR BIOLOGICAL MATERIAL COLLECTED AS EVIDENCE
13 RELATED TO A SEXUAL ASSAULT SHALL, UPON APPROVAL OF A WAIVER
14 COMPLETED UNDER PARAGRAPH (2), BE GRANTED AN EXCEPTION TO THE
15 PROVISIONS OF SECTION 702(B) (1) OF THE CRIME VICTIMS ACT.

16 (2) THE OFFICE OF VICTIMS' SERVICES SHALL CREATE A
17 WAIVER TO BE COMPLETED BY A DIRECT VICTIM SEEKING AN
18 EXCEPTION UNDER PARAGRAPH (1).

19 (3) A DIRECT VICTIM SHALL NOT BE REQUIRED TO UNDERGO AN
20 APPEALS PROCESS FOR THE CONSIDERATION OF THE VICTIM'S WAIVER
21 APPLICATION UNDER THIS SECTION.

22 SECTION 6. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

23 (1) THE AMENDMENT OR ADDITION OF SECTION 6 INTRODUCTORY
24 PARAGRAPH AND (8) OF THE ACT SHALL TAKE EFFECT IN ONE YEAR.

25 (2) THE ADDITION OF SECTION 6(6) AND (7) OF THE ACT
26 SHALL TAKE EFFECT IN 18 MONTHS.

27 (3) THE ADDITION OF SECTION 7 OF THE ACT SHALL TAKE
28 EFFECT MARCH 15, 2025, OR IN 60 DAYS, WHICHEVER IS EARLIER.

29 (4) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT
30 IMMEDIATELY.