

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 920 Session of 2024

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

AS AMENDED ON THIRD CONSIDERATION, APRIL 30, 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;
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 1. THE DEFINITION OF "PCAR" IN SECTION 2 OF THE ACT <--
18 OF NOVEMBER 29, 2006 (P.L.1471, NO.165), KNOWN AS THE SEXUAL
19 ASSAULT TESTING AND EVIDENCE COLLECTION ACT, IS AMENDED AND THE
20 SECTION IS AMENDED BY ADDING DEFINITIONS TO READ:

21 Section 2. Definitions.

22 The following words and phrases when used in this act shall

1 have the meanings given to them in this section unless the
2 context clearly indicates otherwise:

3 * * *

4 "Commission." The Pennsylvania Commission on Crime and
5 Delinquency.

6 * * *

7 "PCAR." THE PENNSYLVANIA COALITION [AGAINST RAPE] TO ADVANCE <--
8 RESPECT.

9 * * *

10 "TRACKING SYSTEM" OR "SYSTEM." THE STATEWIDE TRACKING SYSTEM
11 ESTABLISHED UNDER SECTION 3.1(A) FOR EVIDENCE COLLECTED UNDER
12 THE SEXUAL ASSAULT EVIDENCE COLLECTION PROGRAM.

13 * * *

14 Section 2. The act is amended by adding a section to read:
15 Section 3.1. Sexual assault evidence tracking system.

16 (a) Establishment.--No later than one year from the
17 effective date of this subsection, in coordination with the
18 Pennsylvania State Police, the commission shall establish and
19 maintain a Statewide tracking system for evidence collected
20 under the sexual assault evidence collection program. The
21 commission may:

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

24 (2) Apply for Federal funding to establish and maintain
25 the tracking system.

26 (b) Requirements of system.--The sexual assault evidence
27 tracking system shall:

28 (1) Be electronic and web-based.

29 (2) Be administered by the commission, with assistance
30 from the Department of Health, the Office of Attorney General

1 and the Pennsylvania State Police.

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

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

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

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

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

13 (8) Allow for secure access, controlled by the
14 commission, that shall restrict user access and allow
15 different permissions based on the need of the particular
16 user. The commission shall only approve the users necessary
17 for the operation of the system and accurate and complete
18 information.

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

22 (10) Provide a mechanism for a victim to enter the
23 system and only access the information pertaining to the
24 victim.

25 (11) Enable sexual assault evidence to be tracked and
26 identified through the unique rape kit identification number,
27 bar code or other unique identification feature approved by
28 the commission that the vendor applies to each rape kit.

29 (12) Provide the ability to record the date, time and
30 user identification when a user, who is not a victim,

1 accesses the system.

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

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

6 (15) Track the destruction of a rape kit after analysis
7 of the rape kit is completed.

8 (16) Contain the following fields for tracking and
9 reporting as follows:

10 (i) For health care facilities fields:

11 (A) The date that the sexual assault evidence
12 was collected.

13 (B) The date and time that notification was made
14 to the local law enforcement agency or the
15 Pennsylvania State Police.

16 (ii) For local law enforcement agencies and the
17 Pennsylvania State Police:

18 (A) The date that the local law enforcement
19 agency or the Pennsylvania State Police took
20 possession of the sexual assault evidence from the
21 health care facility.

22 (B) The date that the local law enforcement
23 agency or the Pennsylvania State Police submitted the
24 evidence to a laboratory for analysis.

25 (C) The date that the local law enforcement
26 agency or the Pennsylvania State Police received the
27 sexual assault evidence results back from the
28 laboratory.

29 (iii) For laboratories:

30 (A) The date that the sexual assault evidence is

1 received from the local law enforcement agency or the
2 Pennsylvania State Police.

3 (B) The date that the laboratory completes the
4 analysis of the sexual assault evidence.

5 (C) MAINTENANCE AND OPERATION.--THE FOLLOWING SHALL APPLY: <--

6 (1) THE COMMISSION, OR AN ENTITY CONTRACTED BY THE
7 COMMISSION, SHALL HAVE THE EXCLUSIVE RESPONSIBILITY AND
8 AUTHORITY TO MAINTAIN AND OPERATE THE TRACKING SYSTEM'S
9 SERVER. THE TRACKING SYSTEM SHALL INCLUDE A DATA BACKUP
10 SYSTEM LOCATED ON A SERVER THAT SHALL AT ALL TIMES BE UNDER
11 THE CONTROL OF THE COMMISSION OR THE ENTITY CONTRACTED BY THE
12 COMMISSION.

13 (2) FOR THE PURPOSES OF THIS SUBSECTION, THE TERM
14 "ENTITY" SHALL NOT INCLUDE A GOVERNMENT AGENCY.

15 ~~(e)~~ (D) Training.--The commission shall create and provide <--
16 comprehensive training to inform all users who are not victims
17 about the existence of the tracking system, the requirements of
18 the program and the requirements to use the tracking system. The
19 commission and PCAR shall post on their publicly accessible
20 Internet websites tutorials on how to use the system for
21 victims. The commission shall provide health care facilities and
22 PCAR with resources for victims on the system.

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

29 ~~(e)~~ (F) Participation.--All entities that handle and process <--
30 rape kits, including health care facilities, the Pennsylvania

1 State Police, local law enforcement agencies and laboratories,
2 shall participate in the system.

3 (G) RESOURCE ONLY.--THE TRACKING SYSTEM SHALL SERVE AS A <--
4 RESOURCE FOR A VICTIM. NOTWITHSTANDING ANY OTHER PROVISION OF
5 LAW OR COURT RULE, INFORMATION ENTERED INTO THE TRACKING SYSTEM
6 SHALL NOT SERVE AS AN OFFICIAL STATUS OF THE RAPE KIT AND SHALL
7 NOT BE ADMISSIBLE TO CHALLENGE THE CHAIN OF CUSTODY OF EVIDENCE
8 IN A CRIMINAL PROCEEDING.

9 Section 3. Section 5(a) introductory paragraph, (1) and (2)
10 of the act are amended, paragraph (3) is amended by adding a
11 subparagraph and the subsection is amended by adding paragraphs
12 to read:

13 Section 5. Rights of sexual assault victims.

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

20 (1) The right to, upon request by the victim, guardian
21 or relative, a disclosure of information regarding the
22 submission of any evidence for forensic testing that was
23 collected from the victim during the investigation of the
24 offense, unless disclosing the information would interfere
25 with the investigation or prosecution of the offense, in
26 which case the victim, guardian or relative shall be informed
27 of the estimated date on which the information is expected to
28 be disclosed, if known.

29 (2) The right to, upon request by the victim, guardian
30 or relative, a disclosure of information regarding the status

1 of any analysis being performed on any evidence that was
2 collected during the investigation of the offense.

3 (3) The right to be notified:

4 * * *

5 ~~(iv) Within 24 hours if the system established under~~ <--
6 ~~section 3.1 has a breach by an unauthorized user and the~~
7 ~~commission believes that the status of a victim's rape~~
8 ~~kit has been accessed.~~

9 * * *

10 (6.1) The right to, upon written request, be granted
11 further preservation of the rape kit or the rape kit's
12 probative contents by the appropriate official with custody
13 of the rape kit.

14 * * *

15 (9.1) The right to be notified of the tracking system
16 established under section 3.1. <--

17 * * *

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

20 Section 6. Report by Pennsylvania State Police.

21 In consultation with the commission, department, PCAR and, as
22 necessary with local law enforcement, the Pennsylvania State
23 Police shall compile the following data and submit a report to
24 the department [by December 31, 2018, and annually thereafter],
25 President pro tempore of the Senate and Speaker of the House of
26 Representatives by December 31 each year:

27 * * *

28 (6) Aggregate data provided by the system established <--
29 under section 3.1.

30 (7) A review of the current operation of the system

1 ~~established under section 3.1, best practices in other states <--~~
2 ~~and any recommended improvements to the system.~~

3 (8) An evaluation on the ability to on-board all rape
4 kits collected prior to the effective date of this paragraph
5 that have not had the testing or analysis of the rape kit
6 completed. This paragraph shall expire three years after the
7 effective date of this paragraph.

8 Section 5. The act is amended by adding a section to read:

9 Section 7. Waiver for victim.

10 The following shall apply:

11 (1) A claim for compensation filed by a direct victim,
12 as defined under section 103 of the act of November 24, 1998
13 (P.L.882, No.111), known as the Crime Victims Act, who is
14 otherwise eligible for compensation under the Crime Victims
15 Act and the delay in filing an application was a result of a
16 delay in testing of, or a delay in DNA profile matching from,
17 a rape kit or biological material collected as evidence
18 related to a sexual assault shall, upon approval of a waiver
19 completed under paragraph (2), be granted an exception to the
20 provisions of section 702(b)(1) of the Crime Victims Act.

21 (2) The Office of Victims' Services shall create a
22 waiver to be completed by a direct victim seeking an
23 exception under paragraph (1).

24 (3) A direct victim shall not be required to undergo an
25 appeals process for the consideration of the victim's waiver
26 application under this section.

27 Section 6. This act shall take effect as follows:

28 (1) The amendment or addition of section 6 introductory
29 paragraph and (8) of the act shall take effect in one year.

30 (2) The addition of section 6(6) and (7) of the act

1 shall take effect in 18 months.

2 (3) The addition of section 7 of the act shall take
3 effect ~~March 15, 2025, or in 60 days, whichever is earlier~~ IN <--
4 60 DAYS.

5 (4) The remainder of this act shall take effect
6 immediately.