

State of Arkansas
90th General Assembly
Regular Session, 2015

As Engrossed: H3/25/15
A Bill

HOUSE BILL 1208

By: Representative Gonzales

For An Act To Be Entitled

AN ACT CONCERNING A STATEWIDE ACCOUNTING OF ALL
UNSUBMITTED RAPE KITS; AND FOR OTHER PURPOSES.

Subtitle

CONCERNING A STATEWIDE ACCOUNTING OF ALL
UNSUBMITTED RAPE KITS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. DO NOT CODIFY. Temporary legislation.

(a) As used in this section:

(1) "Healthcare provider" means an individual or facility that provides a medical-legal examination;

(2) "Law enforcement agency" means a police force or organization whose primary responsibility as established by statute or ordinance is the enforcement of the criminal laws, traffic laws, or highway laws of this state;

(3) "Medical-legal examination" means health care delivered to a possible victim of a sex crime, with an emphasis on the gathering and preserving of evidence for the purpose of prosecution;

(4) "Sex crime" means an offense described in § 5-14-101 et seq. or § 5-26-202;

(5) "Sexual assault collection kit" means a human biological specimen or specimens collected during a medical-legal examination from the alleged victim of a sex crime; and

(6) "Untested sexual assault collection kit" means a sexual assault collection kit that has not been submitted to the State Crime



Laboratory or a similar qualified laboratory for either a serology or DNA test.

(b)(1) The State Crime Laboratory shall develop a:

(A) Sexual assault evidence inventory audit document for a law enforcement agency; and

(B) Sexual assault evidence inventory audit document for a healthcare provider.

(2)(A) The sexual assault evidence inventory audit document for a law enforcement agency and the sexual assault evidence inventory audit document for a healthcare provider shall be reviewed and updated periodically.

(B) The updated sexual assault evidence inventory audit document for a law enforcement agency and the sexual assault evidence inventory audit document for a healthcare provider may be set forth in rules promulgated by the State Crime Laboratory under the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

(c) Before December 31 of each year, a law enforcement agency that maintains, stores, or preserves sexual assault evidence shall conduct an audit of all untested sexual assault collection kits and any associated evidence being stored by the law enforcement agency and report the information to the State Crime Laboratory, using the sexual assault evidence inventory audit document for a law enforcement agency.

(d) Before December 31 of each year, each healthcare provider charged with performing medical-legal examinations shall conduct an audit of all untested sexual assault collection kits being stored by the healthcare provider and report the information to the State Crime Laboratory, using the sexual assault evidence inventory audit document for a healthcare provider.

(e) The State Crime Laboratory may communicate with a healthcare provider or a law enforcement agency for the purpose of coordinating testing and other appropriate handling of sexual assault collection kits.

(f) Except as set forth in subsection (g) of this section, information reported to the State Crime Laboratory under this section, as well as information compiled or accumulated by a healthcare provider or law enforcement agency for the purpose of audits required by this section, is confidential and not subject to discovery under the Arkansas Rules of Civil Procedure or the Freedom of Information Act of 1967, § 25-19-101 et seq.

(g) On or before each February 1, the State Crime Laboratory shall prepare and transmit to the President Pro Tempore of the Senate and the Speaker of the House of Representatives a report containing:

(1) A compilation of the data submitted by law enforcement agencies and healthcare providers under this section, with the data reported in the aggregate; and

(2) A plan to address any backlog of untested sexual assault collection kits.

(h) This section does not remove confidentiality protection for an alleged victim of a sexual assault or other sex crime otherwise provided under Arkansas or federal laws, rules, or regulations.

(i) A medical-legal examination continues to be subject to § 12-12-402 or other applicable law.

/s/Gonzales

APPROVED: 04/07/2015