

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
92nd General Assembly
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As Engrossed: H3/4/19 H3/6/19
A Bill

HOUSE BILL 1567

By: Representatives Lundstrum, Boyd, Burch, Cavanaugh, Coleman, Crawford, M. Gray, Ladyman, McCollum, Petty, Richmond

By: Senators Bond, J. Cooper, Hester, G. Leding, *Irvin*

For An Act To Be Entitled

AN ACT CONCERNING INVESTIGATIONS INTO SEXUAL ASSAULT;
CONCERNING SEXUAL ASSAULT COLLECTION KITS; *CONCERNING
THE SUBMISSION OF SEXUAL ASSAULT COLLECTION KITS; AND
FOR OTHER PURPOSES.*

Subtitle

*CONCERNING INVESTIGATIONS INTO SEXUAL
ASSAULT; CONCERNING SEXUAL ASSAULT
COLLECTION KITS; AND CONCERNING THE
SUBMISSION OF SEXUAL ASSAULT COLLECTION
KITS.*

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

SECTION 1. Arkansas Code Title 12, Chapter 12, Subchapter 4, is amended to add an additional section to read as follows:

12-12-406. Sexual assault collection kits – Submission for testing.

(a) As used in this section:

(1) "Anonymous kit" means a sexual assault collection kit that is collected from a possible victim of a sexual assault who has not decided whether to report the sexual assault to a law enforcement agency;

(2) "Healthcare provider" means a person or facility that provides a medical-legal examination;

(3) "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;

(4) "Medical-legal examination" means health care delivered to a possible victim of a sexual assault, with an emphasis on the gathering and preserving of evidence for the purpose of serving criminal justice;

(5) "Sexual assault" means an offense described in § 5-14-101 et seq. or § 5-26-202; and

(6) "Sexual assault collection kit" means a human biological specimen or specimens collected during a medical-legal examination from the alleged victim of a sexual assault.

(b)(1) A healthcare provider that has collected required victim information as part of a medical-legal examination shall enter the required victim information into a sexual assault collection kit tracking system of the State Crime Laboratory before transferring the sexual assault collection kit to a law enforcement agency with jurisdiction.

(2) The system described in subdivision (b)(1) of this section shall provide secure electronic access that allows a law enforcement agency, a healthcare provider, the laboratory, and a victim to access tracking information.

(3) A sexual assault collection kit collected by a healthcare provider shall be taken into custody by a law enforcement agency as soon as possible and within three (3) business days of notice from the healthcare provider.

(c)(1) A law enforcement agency that receives a sexual assault collection kit from a healthcare provider shall enter all necessary information into the system described in subdivision (b)(1) of this section.

(2) A law enforcement agency that receives a sexual assault collection kit from a healthcare provider that relates to a report of a sexual assault that occurred outside of the jurisdiction of the law enforcement agency shall have the sexual assault collection kit delivered to the law enforcement agency having jurisdiction within ten (10) days of learning that the other law enforcement agency has jurisdiction.

(d) A sexual assault collection kit shall be submitted to the laboratory by the receiving law enforcement agency as soon as possible, but no later than fifteen (15) days after receipt of the sexual assault collection kit.

(e)(1) A law enforcement agency is not required to submit an anonymous kit to the laboratory if the victim does not affirmatively request submission.

(2) If a victim chooses to provide a personal statement about the sexual assault to a law enforcement agency at any time after initially declining to provide a personal statement, the anonymous kit shall be delivered to the laboratory as soon as possible, but no later than fifteen (15) days after the victim chooses to provide a personal statement to the law enforcement agency.

(f) If available, a suspect standard or a consensual partner elimination standard shall be submitted to the laboratory:

(1) With the sexual assault collection kit, if available, at the time the sexual assault collection kit is submitted; or

(2) As soon as possible, but no later than fifteen (15) days from the date the sexual assault collection kit was obtained by the law enforcement agency, if the suspect standard or consensual partner elimination standard is not obtained until after the sexual assault collection kit is submitted.

(g)(1) Starting July 1, 2019, the laboratory shall test all sexual assault collection kits that are received from a law enforcement agency with the goal of developing autosomal DNA profiles that are eligible for entry into the Combined DNA Index System.

(2) Sexual assault collection kits shall be tested by the laboratory and the tests completed within sixty (60) days of receipt from the law enforcement agency.

(3) The ability of the laboratory to complete all tests within sixty (60) day of receipt may be dependent upon the following factors:

(A) The number of sexual assault collection kits that the laboratory receives;

(B) The technology and improved testing methods available;

(C) The establishment of a fully trained and dedicated staff to meet the caseload; and

(D) The number of lab requests received relating to other crime categories.

(4) Failure to meet a deadline established under this subsection or administrative rule is not a basis for dismissal of a criminal action or a

bar to the admissibility of the evidence in a criminal action.

/s/Lundstrum