
Public Safety Committee

HB 1068

Brief Description: Concerning sexual assault examination kits.

Sponsors: Representatives Orwall, Kagi, Appleton, Gregerson, Reykdal, Carlyle, Stanford, Sawyer, Fitzgibbon, Jinkins, Cody, Hudgins, Senn, Clibborn, Moeller, Riccelli, Moscoso, Farrell and Fey.

Brief Summary of Bill

- Requires a law enforcement agency to submit a sexual assault examination kit for analysis, when consent has been given, within 30 days of its receipt.
- Specifies that failure to comply with the 30-day deadline does not create a private right of action against the law enforcement agency and is not a basis to exclude evidence in a court proceeding or to set aside a conviction or sentence.
- Creates a work group to study the issue of untested sexual assault examination kits in Washington, which must file an annual report through June 30, 2017.

Hearing Date: 1/14/15

Staff: Cassie Jones (786-7303).

Background:

After a person has been the victim of a sexual assault, the person may undergo a forensic examination for the purpose of collecting any evidence that may have been left behind during the assault. Biological evidence such as saliva, blood, or semen may be collected. The doctor or nurse conducting the examination preserves the evidence using a sexual assault examination kit, commonly referred to as a rape kit. The sexual assault examination kit contains tools that may be used by the doctor or nurse, such as swabs, combs, blood collection devices, and documentation forms. When the examination is complete, the evidence is packaged and steps are taken to preserve the chain of custody. In some cases, custody of the sexual assault examination kit may be transferred to a law enforcement agency. When a law enforcement

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agency receives a sexual assault examination kit, the agency may submit it to a crime lab for analysis, but is under no specific deadline for submission.

Summary of Bill:

When a law enforcement agency receives a sexual assault examination kit, and consent has been given for the kit to be analyzed as part of a sexual assault investigation, the agency must submit the kit to the Washington State Patrol Crime Laboratory or other accredited laboratory for analysis within 30 days of receiving it. The failure of a law enforcement agency to meet the 30-day deadline is not a basis to exclude the evidence from a court proceeding or to overturn a conviction or sentence, and it does not create a private right of action against the agency.

A work group is created to study the issue of untested sexual assault examination kits in Washington. The President of the Senate will appoint one member from each of the two largest caucuses in the Senate and the Speaker of the House of Representatives will appoint one member from each of the two largest caucuses of the House of Representatives. In addition, the work group will consist of one member from the following groups:

- the Washington State Patrol;
- the Washington Association of Sheriffs and Police Chiefs;
- the Washington Association of Prosecuting Attorneys;
- the Washington Defender Association or the Washington Association of Criminal Defense Lawyers;
- the Washington Association of Cities;
- the Washington Association of County Officials;
- the Washington Coalition of Sexual Assault Programs;
- the Office of Crime Victims Advocacy; and
- One or more individuals who are survivors of sexual assault.

The work group will research the number of untested sexual assault kits in Washington, the reasons why they are untested, and where they are stored. The work group will also review and make recommendations regarding policy options for reducing the number of untested kits, the procedure for contact and notification to victims, and the collaboration among medical, legal, and victim advocacy systems in providing services to victims. The work group will meet at least annually and provide a report on its findings and recommendations to the Legislature and the Governor by June 30th of each year. The work group expires on June 30, 2017.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.