SLS 14RS-687 **ORIGINAL**

Regular Session, 2014

SENATE BILL NO. 296

BY SENATOR MORRELL

CRIMINAL JUSTICE. Provides relative to inventory of untested sexual assault collection kits. (8/1/14)

AN ACT

To enact R.S. 15:622, relative to sexual assault collection kits; to require criminal justice agencies to conduct an inventory of such kits; to provide for definitions; to provide relative to the reporting of such inventory; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:622 is hereby enacted to read as follows:

§622. Sexual assault collection kits

A. As used in this Section:

(1) "Criminal justice agency" means any government agency or subunit thereof, or private agency that, through statutory authorization or a legal formal agreement with a governmental unit or agency, has the power of investigation, arrest, detention, prosecution, adjudication, treatment, supervision, rehabilitation or release of persons suspected, charged, or convicted of a crime; or that collects, stores, processes, transmits, or disseminates criminal history record or crime information.

(2) "Forensic medical examination" means an examination provided to the victim of a sexually-oriented criminal offense by a health care provider for

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the purpose of gathering and preserving evidence of a sexual assault for use in a court of law.

(3) "Sexual assault collection kit" means a human biological specimen or specimens collected by a health care provider during a forensic medical examination from the victim of a sexually-oriented criminal offense.

(4) "Untested sexual assault collection kit" means a sexual assault collection kit that has not been submitted to the Louisiana State Police Crime Lab or a similar qualified laboratory for either a serology or deoxyribonucleic acid (DNA) test.

B. By January 1, 2015, all criminal justice agencies charged with the maintenance, storage, and preservation of sexual assault collection kits shall conduct an inventory of all such kits being stored by the agency and shall compile, in writing, a report containing the number of untested sexual assault collection kits in the possession of the agency and the date the sexual assault kit was collected. Each criminal justice agency shall also provide written notification if it does not have any untested sexual assault collection kits in its possession. The report shall be transmitted to the director of the Louisiana State Police Crime Lab.

C. By March 1, 2015, the Louisiana State Police Crime Lab shall prepare and transmit a report to the chairman of the Senate Committee on Judiciary B and the chairman of the House of Representatives Committee on Judiciary containing the number of untested sexual assault collection kits being stored by each parish, by each criminal justice agency, and the date the untested kit was collected. The report shall also include the name and contact information of each criminal justice agency that failed to submit the report required by Subsection B of this Section.

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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Cathy Wells.

DIGEST

Morrell (SB 296)

Proposed law defines "criminal justice agency" as any government agency or subunit thereof, or private agency that, through statutory authorization or a legal formal agreement with a governmental unit or agency, has the power of investigation, arrest, detention, prosecution, adjudication, treatment, supervision, rehabilitation or release of persons suspected, charged, or convicted of a crime; or that collects, stores, processes, transmits, or disseminates criminal history record or crime information.

Proposed law requires all criminal justice agencies charged with the maintenance, storage, and preservation of sexual assault collection kits to conduct an inventory of all such kits being stored by the agency and to compile, in writing, a report to the director of the LSP Crime Lab containing the number of untested sexual assault collection kits in the possession of the agency and the date the sexual assault kit was collected by January 1, 2015.

Proposed law requires the LSP Crime Lab to prepare and transmit a report to the chairman of the Senate Committee on Judiciary B and the chairman of the House of Representatives Committee on Judiciary containing the number of untested sexual assault collection kits being stored by each parish, by each criminal justice agency, and the date the untested kit was collected by March 1, 2015. Also requires the report to identify criminal justice agencies that failed to report.

Effective August 1, 2014.

(Adds R.S. 15:622)

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