

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)

1 AN ACT

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

5 Be it enacted by the Legislature of Louisiana:

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

7 **§622. Sexual assault collection kits**

8 **A. As used in this Section:**

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

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

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

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

6 (4) "Sexually-oriented criminal offense" includes any sexual assault
7 offense as defined in R.S. 44:51 and any sexual abuse offense as defined in R.S.
8 14:403.

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

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

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

The original instrument was prepared by Cathy R. Wells. The following digest, which does not constitute a part of the legislative instrument, was prepared by Linda Nugent.

DIGEST

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 a physical 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)

Summary of Amendments Adopted by Senate

Senate Floor Amendments to engrossed bill

1. Expands sexual assault collection kits to include "sexually-oriented criminal offense".