

1 STATE OF OKLAHOMA

2 1st Session of the 56th Legislature (2017)

3 SENATE BILL 654

By: Floyd

4
5
6 AS INTRODUCED

7 An Act relating to sexual assault forensic evidence
8 kits; creating a task force to study the gathering
9 and analyzing of sexual assault forensic evidence
10 kits; setting duties; providing for membership;
11 providing for naming of chair; providing for quorum;
12 providing frequency of meetings; subjecting meetings
13 to the Oklahoma Open Meeting Act; providing that
14 members receive no compensation or travel
15 reimbursement; providing for staff support; requiring
16 certain reports; providing definitions; directing
17 audit functions to include certain components;
18 providing for noncodification; providing an effective
19 date; and declaring an emergency.

20 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

21 SECTION 1. NEW LAW A new section of law not to be
22 codified in the Oklahoma Statutes reads as follows:

23 A. There is hereby created until September 15, 2019, the Joint
24 Legislature Task Force on Sexual Assault Forensic Evidence to
25 examine the following:

26 1. The process for gathering and analyzing sexual assault
27 forensic evidence kits in this state;

1 2. Identify the number of untested evidence collection kits in
2 the possession of each law enforcement agency in the State by means
3 of an audit conducted by each agency;

4 3. Identify possible improvements for law enforcement training
5 on responding and investigating sexual assaults;

6 4. Identify possible improvements for victim access to evidence
7 other than sexual assault forensic evidence kits, including but not
8 limited to police reports and other physical evidence;

9 5. Identify possible procedures for the testing of anonymous
10 kits;

11 6. Identify additional rights of victims concerning the sexual
12 assault forensic evidence kits testing process; and

13 7. Identify and pursue grants and other funding sources in
14 order to eliminate the backlog of untested sexual assault forensic
15 evidence kits, reduce testing wait times, provide victim
16 notification and improve efficiencies in the kit testing process.

17 B. The task force shall be comprised of seventeen (17) members
18 to be appointed as follows:

19 1. The President Pro Tempore, in consultation with the Senate
20 Minority Leader, shall appoint two nonvoting members from among the
21 members of the Senate. The two members appointed under this
22 paragraph may not be from the same political party;

23 2. The Speaker of the House of Representatives, in consultation
24 with the House Minority Leader, shall appoint two nonvoting members

1 from among the members of the House of Representatives. The two
2 members appointed under this paragraph may not be from the same
3 political party;

4 3. The Governor shall appoint thirteen (13) members as follows:

- 5 a. the Chief of the Attorney General's Victim Services
6 Unit or designee,
- 7 b. one survivors of sexual assault with experience with
8 sexual assault forensic evidence kit collection,
- 9 c. a sexual assault nurse examiner,
- 10 d. a person designated by the Director of the Oklahoma
11 State Bureau of Investigation who has expertise in the
12 analysis of sexual assault forensic evidence kits,
- 13 e. a person with experience seeking and applying for
14 grants and other private funding,
- 15 f. the Executive Director of the Oklahoma Sheriff and
16 Peace Officers Association or designee,
- 17 g. the Chief of the Oklahoma City Police Department or
18 designee,
- 19 h. the Chief of the Tulsa Police Department or designee,
- 20 i. the Executive Director of the Oklahoma Association of
21 Chiefs of Police or designee,
- 22 j. an attorney from the Public Defenders office with
23 criminal defense experience,
- 24

1 k. a sexual assault victims' advocate from a community-
2 based organization,

3 l. the Executive Coordinator of the Oklahoma District
4 Attorneys Council or designee, and

5 m. the Executive Director of the Native Alliance Against
6 Violence, or designee.

7 The chair of the task force shall be selected by the Governor.

8 C. A quorum of the task force shall be required to approve any
9 final action of the task force. For purposes of this section, nine
10 (9) members will constitute a quorum.

11 D. The task force may meet as often as required in order to
12 perform duties imposed upon it. The chair shall call the first
13 meeting and all subsequent meetings shall be made at the call of the
14 chair.

15 E. The meetings of the task force shall be subject to the
16 Oklahoma Open Meeting Act.

17 F. Members of the task force shall receive no compensation or
18 travel reimbursement.

19 G. Staff support shall be provided by the Senate.

20 H. No later than December 30, 2017, each law enforcement agency
21 as defined in paragraph J of this section shall submit to the
22 Attorney General and the task force a written report stating the
23 results of the audit conducted by the agency and including the
24

1 number of untested evidence collection kits in the possession of
2 that law enforcement agency.

3 I. Before, during and after the statewide audit, any and all
4 sexual assault forensic evidence kits currently in the possession of
5 any law enforcement agency are to be preserved until such time that
6 the audit is concluded and the law enforcement agency is informed in
7 writing by the task force that evidence kits may be disposed of.

8 J. For purposes of this section:

9 1. "Sexual assault evidence collection kit" means any human
10 biological specimen collected by a healthcare provider providing a
11 medical-legal examination delivered to a possible victim of a sex
12 crime, with an emphasis on the gathering and preserving of evidence
13 from an alleged sexual assault victim for the purpose of
14 prosecution. During a forensic medical examination for the purpose
15 of gathering and preserving evidence from an alleged sexual assault
16 victim, when circumstances indicate the need, a toxicology kit;

17 2. "Untested assault evidence collection kit" means a sexual
18 assault evidence collection kit collected pursuant to Section 142A-3
19 of Title 21 of the Oklahoma Statutes that has been used to collect
20 forensic evidence from a victim of sexual assault but has not been
21 submitted to a qualified forensic laboratory for either a serology
22 or deoxyribonucleic acid test;

23

24

1 3. "Sexual assault victim" means any person who is a victim of
2 a sexual assault as defined under Section 112 of Title 21 of the
3 Oklahoma Statutes;

4 4. "Sexual assault" means any type of sexual contact or
5 behavior that occurs without explicit consent of the recipient
6 including, but not limited to, forced sexual intercourse, forcible
7 sodomy, child molestation, child sexual abuse, incest, fondling and
8 all attempts to complete any of the aforementioned acts; and

9 5. "Law enforcement agencies" refer to any governmental
10 agencies or departments in the state of Oklahoma that investigates
11 persons suspected of or charged with a sex crime. "Law enforcement
12 agency" also includes any governmental agency that collects, stores,
13 preserves, processes, transmits or disseminates analysis of evidence
14 collected from a sexual assault evidence collection kit in
15 connection with a sexual assault related crime.

16 K. As a function of the audit required by the task force, every
17 agency charged with the maintenance, storage or preservation of
18 untested sexual assault forensic evidence kits shall inventory all
19 untested sexual assault forensic evidence kits and identify the
20 following that apply:

- 21 1. The unique identifier for the kit;
- 22 2. The date the crime occurred; and
- 23 3. The date of the examination and forensic collection.

24

1 The agency may, but is not required to, disclose reasons for not
2 submitting the collection kit to the laboratory for analysis.

3 L. The task force shall submit a report of its findings and
4 recommendations based on the results of the audits conducted by each
5 agency of the number of untested evidence collection kits in the
6 possession of each law enforcement agency no later than July 1,
7 2018. The task force shall submit the report to the Governor, the
8 President Pro Tempore of the Senate, the Speaker of the House of
9 Representatives and all members of the task force.

10 M. The task force shall submit a report of its findings and
11 recommendations based on the results of its examination of those
12 items listed in section 1 of this act no later than July 1, 2019.
13 The task force shall submit the report to the Governor, the
14 President Pro Tempore of the Senate, the Speaker of the House of
15 Representatives and all members of the task force.

16 SECTION 2. This act shall become effective July 1, 2017.

17 SECTION 3. It being immediately necessary for the preservation
18 of the public peace, health or safety, an emergency is hereby
19 declared to exist, by reason whereof this act shall take effect and
20 be in full force from and after its passage and approval.

21
22 56-1-1128 BH 1/19/2017 8:55:49 PM
23
24