

1 ENGROSSED SENATE
2 BILL NO. 967

By: Floyd, Dahm and Bice of the
Senate

3 and

4 Echols of the House
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7 An Act relating to sexual assault collection kits;
8 providing for creation and implementation of a
9 statewide electronic tracking system; requiring all
10 kits be trackable; directing Division Director of
11 the OSBI Crime Laboratory to implement protocols
12 and administer the tracking system; providing
13 definition; requiring certain functions of the
14 tracking system; providing for certain records
15 disclosure; directing mandatory participation in
16 tracking system; providing for codification;
17 providing an effective date; and declaring an
18 emergency.

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

20 SECTION 1. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 150.28a of Title 74, unless
22 there is created a duplication in numbering, reads as follows:

23 A. The Criminalistics Services Division of the Oklahoma State
24 Bureau of Investigation (OSBI) shall develop and implement a
statewide electronic tracking system for evidence collection kits
used to collect and preserve evidence of a sexual assault or other
sex offense. All sexual assault evidence collection kits, purchased
and/or distributed by the Oklahoma State Bureau of Investigation to

1 collection sites on or after October 1, 2019, shall be trackable and
2 shall comply with the requirements of the electronic tracking
3 system.

4 B. The Division Director of the OSBI Crime Laboratory shall
5 implement protocols and administer the tracking system. The
6 Division Director shall implement protocols and the Bureau shall
7 promulgate rules and guidelines to ensure that previously untested
8 sexual assault evidence collection kits are trackable and are
9 entered into the tracking system. Any law enforcement agency,
10 medical provider or forensic laboratory that has in its custody a
11 previously untested sexual assault evidence collection kit used for
12 a forensic medical examination shall comply with the established
13 protocols, rules and guidelines relating to all untested kits.

14 C. For purposes of this section, "previously untested sexual
15 assault evidence collection kit" means any kit that has not
16 undergone forensic testing and was identified and included in the
17 2017-2018 statewide inventories of kits in law enforcement custody
18 pursuant to the Governor's Executive Order 2017-11. To the extent
19 practicable, and consistent with protecting victim confidentiality
20 for unreported sexual assaults, a law enforcement agency having
21 custody of a kit governed by this subsection shall take reasonable
22 measures to provide appropriate tracking information to the affected
23 victim.

24 D. The tracking system shall:

1 1. Track the location and status of each evidence collection
2 kit through the criminal justice process, including the initial
3 collection of evidence for the kit in a forensic medical examination
4 performed at a health care facility, receipt and storage of the kit
5 at a law enforcement agency, receipt and analysis of the kit at an
6 accredited crime laboratory, and storage and destruction of the kit
7 after the applicable evidence is analyzed;

8 2. Allow a health care facility performing a forensic medical
9 examination of a survivor, law enforcement agency, accredited crime
10 laboratory, prosecutor or other entity providing a chain of custody
11 for an evidence collection kit to update and track the status and
12 location of the kits; and

13 3. Allow a survivor to anonymously track or receive updates
14 regarding the statute and location of the survivor's evidence
15 collection kit.

16 E. The Bureau shall require participation in the tracking
17 system by all medical providers, law enforcement agencies, forensic
18 laboratories or other persons or entities having custody or use of
19 any sexual assault evidence collection kit in the State of Oklahoma.
20 These entities shall participate in the tracking system and comply
21 with the established protocols, rules and guidelines. A
22 participating entity shall be permitted to access the entity's
23 tracking information through the System.

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1 F. Records entered into the tracking system are confidential.

2 Records relating to an evidence collection kit may be accessed only
3 by:

4 1. The survivor for whom the evidence collection kit was
5 completed; or

6 2. An employee of an entity described by subsection C for
7 purposes of updating or tracking the status or location of the
8 evidence collection kit.

9 G. No later than January 1, 2020, the Oklahoma State Bureau of
10 Investigation shall require all entities described in this section
11 to participate in the statewide tracking system established by this
12 section.

13 SECTION 2. This act shall become effective July 1, 2019.

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

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1 Passed the Senate the 11th day of March, 2019.

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3 _____
4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2019.

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9 Presiding Officer of the House
10 of Representatives