
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1821 Session of
2017

INTRODUCED BY NEUMAN, D. MILLER, CALTAGIRONE, SCHLOSSBERG, DEAN,
O'BRIEN, W. KELLER, DAVIS, BARBIN, V. BROWN, D. COSTA,
NEILSON, McNEILL, MURT, READSHAW, BIZZARRO, A. HARRIS, SIMS,
WARD, ROZZI, CARROLL, DEASY, FRANKEL, DeLUCA, COX, GILLEN,
MATZIE AND CRUZ, SEPTEMBER 26, 2017

REFERRED TO COMMITTEE ON JUDICIARY, SEPTEMBER 26, 2017

AN ACT

1 Amending the act of November 29, 2006 (P.L.1471, No.165),
2 entitled, as amended, "An act providing for a sexual assault
3 evidence collection program and for powers and duties of the
4 Department of Health and the Pennsylvania State Police;
5 establishing civil immunity; and providing for rights of
6 sexual assault victims," further providing for sexual assault
7 evidence collection program; and establishing the Commission
8 on Sexual Assault Testing.

9 The General Assembly of the Commonwealth of Pennsylvania
10 hereby enacts as follows:

11 Section 1. Section 3(a) and (c) of the act of November 29,
12 2006 (P.L.1471, No.165), known as the Sexual Assault Testing and
13 Evidence Collection Act, amended July 10, 2015 (P.L.142, No.27),
14 are amended to read:

15 Section 3. Sexual assault evidence collection program.

16 (a) Establishment.--There is hereby established a Statewide
17 sexual assault evidence collection program to promote the health
18 and safety of victims of sexual assault and to facilitate the
19 prosecution of persons accused of sexual assault. This program

1 shall be administered by the department. Under this program the
2 department shall:

3 (1) Consult with PCAR and the Pennsylvania State Police
4 to develop minimum standard requirements for all rape kits
5 used in hospitals and health care facilities in this
6 Commonwealth.

7 (2) Test and approve commercially available rape kits
8 for use in this Commonwealth.

9 (3) Review the minimum standard requirements for rape
10 kits and prior-approved rape kits every three years to assure
11 that rape kits meet state-of-the-art minimum standards.

12 (4) Consult with PCAR, the Pennsylvania State Police,
13 the International Association of Forensic Nurses, the
14 Hospital and Healthsystem Association of Pennsylvania and any
15 local SART to establish a program to train hospital, child
16 advocacy center and health care facility personnel in the
17 correct use and application of rape kits in order to maximize
18 the health and safety of the victim and the potential to
19 collect useful admissible evidence to prosecute persons
20 accused of sexual assault.

21 (5) Approve, with concurrence from the Pennsylvania
22 State Police and in consultation with PCAR, certain
23 laboratories to receive sexual assault evidence for testing
24 and analysis under subsection (c). The department shall
25 establish guidelines on the criteria that a laboratory must
26 meet to be approved under this paragraph within six months of
27 the effective date of this paragraph. Laboratories which have
28 been approved by the Federal Bureau of Investigation to
29 access CODIS or an equivalent federally administered national
30 DNA database shall be automatically approved to receive

1 sexual assault evidence for testing and analysis under
2 subsection (c).

3 (6) Establish a designated telephone number for the use
4 of health care facilities who have notified local law
5 enforcement to take possession of sexual assault evidence
6 that has not been completed within 72 hours.

7 * * *

8 (c) Submission and analysis.--The following shall apply to
9 all sexual assault evidence obtained by a health care facility,
10 at the request or consent of the victim, on or after the
11 effective date of this subsection:

12 (1) [As soon as practical] Within 12 hours of collection
13 of sexual assault evidence, the health care facility shall
14 notify the local law enforcement agency of the jurisdiction
15 where the reported sexual assault occurred. The local law
16 enforcement agency shall take possession of the sexual
17 assault evidence within 72 hours of receiving notice. If
18 local law enforcement has not taken possession of the sexual
19 assault evidence within 72 hours of notification, the health
20 care facility shall notify the department through the
21 designated telephone number. For those cases in which the
22 victim has not yet consented to testing of the evidence, the
23 evidence shall be preserved and stored for a period of no
24 less than two years, unless consent is provided before that
25 period. The Pennsylvania State Police, in consultation with
26 the Pennsylvania Chiefs of Police Association and the
27 Pennsylvania District Attorneys Association, shall establish
28 policies for local law enforcement agencies relating to the
29 storage and preservation of the evidence.

30 (2) If a victim wishes to consent to the testing of the

1 sexual assault evidence, the victim or a victim advocate
2 acting at the victim's direction shall provide written notice
3 to the local law enforcement agency and the district attorney
4 of the jurisdiction where the reported sexual assault
5 occurred.

6 (3) Within 15 days of receiving written notice of
7 consent to the testing of the sexual assault evidence, the
8 local law enforcement agency shall submit the evidence
9 awaiting testing to a laboratory approved by the department
10 for testing or analysis. The district attorney, in
11 consultation with the local law enforcement agency, shall
12 establish policies and procedures to ensure that [timely]
13 submission of the evidence [has occurred] occurs within 15
14 days of receiving notice of consent. Except for cases in
15 which the local law enforcement agency and the laboratory are
16 the same entity, each submission of evidence shall be
17 accompanied by the following signed certification:

18 This evidence is being submitted by (name of local
19 law enforcement agency) in connection with a reported
20 sexual assault and must be completed within six
21 months of receipt.

22 (4) A laboratory shall complete the testing or analysis
23 of all sexual assault evidence submitted pursuant to this
24 section within six months from the date of receipt of the
25 evidence[, if possible]. Backlogged evidence shall be
26 reported as such by the laboratory to the department and to
27 the local law enforcement agency that submitted the evidence.

28 (5) The failure of a health care facility or local law
29 enforcement agency to submit the sexual assault evidence in
30 accordance with paragraph (1) or (3) shall not alter the

1 authority of a local law enforcement agency to submit the
2 evidence or the authority of a laboratory approved by the
3 department to accept and analyze the evidence.

4 * * *

5 Section 2. The act is amended by adding a section to read:

6 Section 6. Commission on Sexual Assault Testing.

7 (a) Establishment.--A Commission on Sexual Assault Testing
8 is established to annually review sexual assault testing in this
9 Commonwealth.

10 (b) Members.--The commission shall be comprised of the
11 following members or their designees:

12 (1) The Secretary of Health, who shall serve as
13 chairperson of the commission.

14 (2) The chairperson and minority chairperson of the
15 Judiciary Committee of the Senate.

16 (3) The chairperson and minority chairperson of the
17 Judiciary Committee of the House of Representatives.

18 (4) The Commissioner of the Pennsylvania State Police.

19 (5) The President of the Pennsylvania Chiefs of Police
20 Association.

21 (6) The medical examiner for a city of the first class.

22 (7) The medical examiner for a county of the second
23 class.

24 (8) The Executive Director of the Hospital and
25 Healthsystem Association of Pennsylvania.

26 (9) The Executive Director of the Pennsylvania Coalition
27 Against Rape or a designee.

28 (10) A member of the Pennsylvania Chapter of the
29 International Association of Forensic Nurses.

30 (11) A representative from a crime lab which engages in

1 forensic testing of rape kits.

2 (c) Compensation and expenses.--The members of the
3 commission shall serve without compensation but shall be
4 reimbursed for necessary and actual expenses incurred in the
5 performance of the members' official duties.

6 (d) Powers and duties of commission.--The commission shall
7 have the following powers and duties:

8 (1) Review volume of sexual assault evidence submitted
9 for testing.

10 (2) Review volume of sexual assault evidence awaiting
11 testing.

12 (3) Ensure that the submission of sexual assault
13 evidence by law enforcement agencies is in compliance with
14 the provisions of this act.

15 (4) Review funding requirements necessary to ensure
16 compliance with this act and make funding recommendations
17 necessary to ensure compliance with this act.

18 (5) Review current practices, including interagency
19 collaboration with law enforcement agencies and rape crisis
20 centers, in rape kit evidence collection and provide
21 recommendations for improvement.

22 (e) Meetings and quorum of commission.--The following apply:

23 (1) The commission shall meet at least annually.

24 (2) Special meetings may be called by the chairperson of
25 the commission or upon the written request of three members.

26 (3) A quorum shall consist of six members.

27 Section 3. This act shall take effect as follows:

28 (1) The following provisions shall take effect
29 immediately:

30 (i) The addition of section 3(a)(6) of the act.

1 (ii) This section.

2 (2) The remainder of this act shall take effect in 60
3 days.