

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 579 Session of 2023

INTRODUCED BY MUTH, KEARNEY, HAYWOOD, FONTANA, BREWSTER, KANE,
SCHWANK, COLLETT, STREET, COSTA, CAPPELLETTI, COMITTA,
TARTAGLIONE, SAVAL AND SANTARSIERO, APRIL 17, 2023

REFERRED TO JUDICIARY, APRIL 17, 2023

AN ACT

1 Amending the act of November 29, 2006 (P.L.1471, No.165),
2 entitled "An act providing for a sexual assault evidence
3 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 definitions
7 and for sexual assault evidence collection program.

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

10 Section 1. The definition of "SART" in section 2 of the act
11 of November 29, 2006 (P.L.1471, No.165), known as the Sexual
12 Assault Testing and Evidence Collection Act, is amended and the
13 section is amended by adding definitions to read:

14 Section 2. Definitions.

15 The following words and phrases when used in this act shall
16 have the meanings given to them in this section unless the
17 context clearly indicates otherwise:

18 * * *

19 ["SART." The Sexual Assault Response Team.]

20 * * *

1 "Sexual assault nurse examiner" or "SANE." A registered
2 professional nurse who has completed a sexual assault nurse
3 examiner training program and successfully passed an exam that
4 meets the Sexual Assault Nurse Examiner Education Guidelines
5 established by the International Association of Forensic Nurses
6 and operates as a member of the sexual assault response team.

7 "Sexual assault response team" or "SART." Any of the
8 following:

9 (1) A health care practitioner who is certified as a
10 sexual assault forensic examiner or sexual assault nurse
11 examiner.

12 (2) A local law enforcement agency.

13 (3) A public or private agency responsible for:

14 (i) coordinating or performing a medical forensic
15 examination; or

16 (ii) delivery of subsequent medical or legal
17 services to a victim.

18 * * *

19 Section 2. Section 3 of the act is amended by adding a
20 subsection to read:

21 Section 3. Sexual assault evidence collection program.

22 * * *

23 (c.2) Tracking system.--No later than one year from the
24 effective date of this subsection, the department, in
25 conjunction with the recommendations of the Statewide Sexual
26 Assault Evidence Collection Kit Tracking System advisory
27 committee under paragraph (6), shall launch a Statewide tracking
28 system for the purpose of electronically tracking all sexual
29 assault evidence collection kits collected under this section.
30 The following shall apply:

1 (1) The tracking system may be the system utilized in
2 other states or may be a system developed by the Pennsylvania
3 State Police. The tracking system shall be administered and
4 funded jointly by the department and the Pennsylvania State
5 Police, each having designated system administrators as
6 needed to meet the demands of the system and the individuals
7 using the system. All technical onboarding, assistance and
8 maintenance of the tracking system shall be provided by the
9 Pennsylvania State Police. The department shall consider the
10 following system aspects when choosing a tracking system to
11 utilize:

12 (i) The tracking system shall be an online
13 accessible database capable of receiving, maintaining,
14 storing and preserving records related to all sexual
15 assault evidence collection kits collected under
16 subsection (c) and this subsection.

17 (ii) The tracking system shall have a publicly
18 accessible Internet website, which shall include
19 information and referral services for victims, including
20 crime victim rights, local rape crisis centers,
21 behavioral health, law enforcement, district attorneys
22 and medical providers.

23 (iii) The tracking system shall be accessible by
24 victims and authorized users as determined by the
25 department and the Pennsylvania State Police.

26 (iv) The tracking system shall permit victims to
27 anonymously access the system, and no personally
28 identifiable information or medical records shall be
29 entered into the system.

30 (v) The tracking system shall be capable of

1 providing various reports.

2 (vi) The tracking system shall be capable of
3 modifications and adjustments as may be recommended by
4 the Statewide Sexual Assault Evidence Collection Kit
5 Tracking System advisory committee.

6 (2) All medical providers, law enforcement agencies,
7 forensic laboratories or other persons or entities having use
8 or custody of sexual assault evidence collection kits in this
9 Commonwealth shall participate in the tracking system and
10 comply with the established rules, protocols and guidelines
11 established by the department.

12 (3) All sexual assault evidence collection kits
13 purchased or distributed on or after the launch of the system
14 shall be trackable and comply with the requirements of the
15 system.

16 (4) Each victim shall be able to track the location and
17 status of the victim's sexual assault evidence collection kit
18 and be able to determine whether the forensic testing of the
19 kit has been completed.

20 (5) The department, in conjunction with the
21 recommendations of the Statewide Sexual Assault Evidence
22 Collection Kit Tracking System advisory committee, shall
23 adopt rules, guidelines and protocols for the function and
24 administration of the system, which shall address the
25 following:

26 (i) The best options for maintaining the tracking
27 system and ensuring ease of use and online access by
28 entities and individuals, including developing
29 instructions on how to use and access the database.

30 (ii) The best practices for ensuring victim privacy,

1 confidentiality and safety.

2 (iii) The best practices for record retention within
3 the tracking system.

4 (iv) Tracking kits of minor victims.

5 (v) Identifying and defining roles of entities and
6 individuals who must have access to the tracking system.

7 (vi) Monitoring compliance of entities and
8 individuals required to participate in the tracking
9 system.

10 (vii) Streamlining the current kit inventory
11 reporting requirements under subsection (d) by using
12 reports generated by the tracking system.

13 (viii) Permitting partnerships between local law
14 enforcement agencies for purposes of designating system
15 users and contact resources for smaller law enforcement
16 agencies.

17 (ix) Any other aspect of the tracking system's
18 function, use or administration as may be required over
19 time to ensure that the system meets the needs of those
20 using and accessing the system.

21 (6) For the purpose of providing recommendations to the
22 department regarding the implementation, utilization and
23 optimization of a Statewide tracking system, the secretary
24 shall convene a Statewide Sexual Assault Evidence Collection
25 Kit Tracking System advisory committee consisting of
26 volunteer members representing the following:

27 (i) The Pennsylvania State Police.

28 (ii) The Office of Attorney General.

29 (iii) The Pennsylvania District Attorneys
30 Association.

- 1 (iv) The Pennsylvania Chiefs of Police.
2 (v) The Office of Victim Advocate.
3 (vi) The Pennsylvania Coalition Against Rape.
4 (vii) The International Association of Forensic
5 Nurses.
6 (viii) The Hospital and Healthsystem Association.
7 (ix) A local sexual assault response team.
8 (x) A sexual assault nurse examiner.
9 (xi) A child advocacy center.
10 (xii) Any other entity or individual having
11 knowledge and experience relevant to the purpose of the
12 advisory committee.

13 * * *

14 Section 3. This act shall take effect in 60 days.