

HOUSE BILL 2191

By Coley

AN ACT to amend Tennessee Code Annotated, Title 4;
Title 29; Title 38; Title 39; Title 40 and Title 63,
relative to sexual offenses.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 39-13-519(b), is amended by deleting the subsection and substituting instead the following:

(b) A victim of a sexually oriented crime is entitled to a forensic medical examination without charge to the victim as provided in § 29-13-118. Upon the conclusion of the forensic examination, the healthcare provider shall notify the applicable law enforcement agency that a sexual assault evidence collection kit or hold kit is ready for release. Within forty-eight (48) hours of being notified, the law enforcement agency shall pick up the collection kit or hold kit for storage or transmission to the state crime lab or other similar qualified laboratory for either serology or deoxyribonucleic acid (DNA) testing.

SECTION 2. Tennessee Code Annotated, Section 39-13-519(d)(1), is amended by deleting the language "sixty (60) days" and substituting instead the language "thirty (30) days".

SECTION 3. Tennessee Code Annotated, Section 39-13-519(d)(2), is amended by deleting the language "sixty (60) days" and substituting instead the language "thirty (30) days".

SECTION 4. Tennessee Code Annotated, Section 39-13-519(d)(2), is amended by deleting the language "for a minimum of three (3) years" and substituting instead the language "until the statute of limitations for the offense expires".

SECTION 5. Tennessee Code Annotated, Title 39, Chapter 13, Part 5, is amended by adding the following new section:

Sexual assault forensic evidence obtained pursuant to § 39-13-519 may not be used:

(1) To prosecute a sexual assault victim for any misdemeanor offense or any offense defined under title 39, chapter 17, part 4; or

(2) As a basis to search for further evidence of any unrelated misdemeanor offense or any offense defined under title 39, chapter 17, part 4, that may have been committed by the sexual assault victim.

SECTION 6. Tennessee Code Annotated, Title 40, Chapter 38, Part 1, is amended by adding the following as a new section:

(a) As used in this section:

(1) "Crime assistance program" includes, but is not limited to, programs that provide appropriate counseling and support to victims;

(2) "Sexually oriented crime" means those crimes listed in § 29-13-118(b); and

(3) "Victim" means a victim of a sexually oriented crime.

(b) A victim of a sexually oriented crime has the right to:

(1) Consult with a crime victim advocate from a crime assistance program or a victim-witness coordinator as provided for in § 8-7-206 at any stage of the criminal proceeding;

(2) Have a support person of the victim's choosing present during any forensic medical examination and during any interview with law enforcement, the prosecuting attorney, the defendant, or the defendant's attorney; and

(3) Be interviewed by a law enforcement official of the gender of the victim's choosing if reasonably available.

(c) This section applies if practical and if the presence of the crime victim advocate, victim-witness coordinator, or support person does not cause any unnecessary delay in the investigation or prosecution of the case. The role of the crime

victim advocate, victim-witness coordinator, or support person is to provide emotional support to the victim.

SECTION 7. Tennessee Code Annotated, Title 38, Chapter 6, Part 1, is amended by adding the following language as a new section:

(a) As used in this section, "forensic medical examination", "law enforcement agency", "sexual assault evidence collection kit", and "victim" have the same meaning as defined in § 39-13-519.

(b) The Tennessee bureau of investigation shall develop and implement an electronic system that tracks the location and laboratory analysis status of each sexual assault evidence collection kit released to a law enforcement agency at the conclusion of a forensic medical examination on or after July 1, 2021.

(c) The system must have the capacity to allow a victim to track by internet the location and status of the victim's sexual assault evidence collection kit by use of a tracking number provided to the victim by the law enforcement agency receiving the sexual assault evidence collection kit after the conclusion of the forensic medical examination. At any time, the victim must be able to use the tracking number by inputting it into an online system to determine the current location and laboratory analysis status of the victim's sexual assault evidence collection kit.

(d) The Tennessee bureau of investigation must also create a written pamphlet explaining how to access and use the tracking system. The law enforcement agency must provide the pamphlet to the victim with the tracking number.

SECTION 8. Section 7 of this act shall take effect upon becoming law, the public welfare requiring it. All other provisions of this act shall take effect July 1, 2020, the public welfare requiring it.