
SUBSTITUTE HOUSE BILL 1068

State of Washington

64th Legislature

2015 Regular Session

By House Public Safety (originally sponsored by Representatives Orwall, Kagi, Appleton, Gregerson, Reykdal, Carlyle, Stanford, Sawyer, Fitzgibbon, Jinkins, Cody, Hudgins, Senn, Clibborn, Moeller, Riccelli, Moscoso, Farrell, and Fey)

1 AN ACT Relating to sexual assault examination kits; adding a new
2 section to chapter 70.125 RCW; creating a new section; and providing
3 an expiration date.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 70.125
6 RCW to read as follows:

7 (1) When a law enforcement agency receives a sexual assault
8 examination kit, and consent has been given by the victim or the
9 victim's parent or legal guardian to analyze the kit as part of a
10 sexual assault investigation, the law enforcement agency must, within
11 thirty days of its receipt, submit a request for laboratory
12 examination to the Washington state patrol crime laboratory for
13 prioritization for testing by it or another accredited laboratory
14 that holds an outsourcing agreement with the Washington state patrol.

15 (2) The failure of a law enforcement agency to submit a request
16 for laboratory examination within the time prescribed under this
17 section does not constitute grounds in any criminal proceeding for
18 challenging the validity of a DNA evidence association, and any
19 evidence obtained from the sexual assault examination kit may not be
20 excluded by a court on those grounds.

1 (3) A person accused or convicted of committing a crime against a
2 victim has no standing to object to any failure to comply with the
3 requirements of this section, and the failure to comply with the
4 requirements of this section is not grounds for setting aside the
5 conviction or sentence.

6 (4) Nothing in this section may be construed to create a private
7 right of action or claim on the part of any individual, entity, or
8 agency against any law enforcement agency or any contractor of any
9 law enforcement agency.

10 (5) This section applies prospectively only and not
11 retroactively. It only applies to sexual assault examination kits
12 received by law enforcement on or after the effective date of this
13 section.

14 NEW SECTION. **Sec. 2.** (1) A work group is established to
15 determine the number of untested sexual assault examination kits and
16 make recommendations regarding strategies for reducing the number of
17 untested sexual assault examination kits in Washington state.

18 (2) The work group must consist of the following members:

19 (a) One member from each of the two largest caucuses of the
20 senate, appointed by the president of the senate;

21 (b) One member from each of the two largest caucuses of the house
22 of representatives, appointed by the speaker of the house of
23 representatives;

24 (c) The chief of the Washington state patrol or the chief's
25 designee;

26 (d) The executive director of the Washington association of
27 sheriffs and police chiefs or the executive director's designee;

28 (e) One member representing the Washington association of
29 prosecuting attorneys;

30 (f) One member representing the Washington defender association
31 or the Washington association of criminal defense lawyers;

32 (g) One member representing the Washington association of cities;

33 (h) One member representing the Washington association of county
34 officials;

35 (i) One member representing the Washington coalition of sexual
36 assault programs;

37 (j) One member representing the office of crime victims advocacy;

38 (k) One member representing the Washington state hospital
39 association;

1 (l) One member representing the innocence project northwest;
2 (m) One member representing the Washington state forensic
3 investigations council;
4 (n) One or more members representing institutions of higher
5 education who have knowledge and expertise regarding sexual assault
6 awareness, prevention, and responses; and
7 (o) One or more individuals who are survivors of sexual assault.
8 (3) Members of the work group shall select two cochairs. One
9 cochair must be a member of law enforcement, and the other must be a
10 member of the victim advocacy service community. The legislative
11 members shall convene the first meeting of the work group.
12 (4) The duties of the work group include, but are not limited to:
13 (a) With regards to untested sexual assault examination kits
14 collected prior to the effective date of this section but for which
15 no request for laboratory examination was submitted:
16 (i) Researching and determining the number of untested sexual
17 assault examination kits in Washington state and the reasons why they
18 remain untested;
19 (ii) Researching the locations where the untested sexual assault
20 examination kits are stored;
21 (iii) Researching, reviewing, and making recommendations
22 regarding legislative policy options for reducing the number of
23 untested sexual assault examination kits including, but not limited
24 to, increasing the number of analysts to perform the necessary
25 testing;
26 (iv) Researching, reviewing, and making recommendations regarding
27 whether additional steps should be taken in cases where sexual
28 assault examination kits have been tested, such as case reviews or
29 additional contacts or notifications to the victims;
30 (v) Researching, reviewing, and making recommendations regarding
31 the process by which medical, legal, and victim advocacy systems
32 collaboratively respond to victims of sexual assault, best practice
33 models from other states, and any existing gaps in resources needed
34 to ensure a victim-centered response; and
35 (vi) Researching, identifying, and making recommendations for
36 securing any nonstate funding for testing the sexual assault
37 examination kits and reporting any progress made toward securing such
38 funding;

1 (b) With regards to sexual assault examination kits for which a
2 request for laboratory examination is submitted under section 1 of
3 this act:

4 (i) Tracking and reporting on the number of requests for
5 laboratory examination made for sexual assault examination kits and
6 identifying the law enforcement agencies that submitted the requests;

7 (ii) Researching and reporting on the locations where the
8 untested sexual assault examination kits are stored;

9 (iii) Monitoring and reporting on the progress made towards
10 testing the sexual assault examination kits, including the status of
11 requests for laboratory examination made by each law enforcement
12 agency;

13 (iv) Making recommendations for increasing the progress on
14 testing any untested sexual assault examination kits; and

15 (v) Researching, identifying, and making recommendations for
16 securing any nonstate funding for testing the sexual assault
17 examination kits and reporting any progress made toward securing such
18 funding.

19 (5) The first meeting of the work group must occur prior to
20 October 1, 2015. The work group shall submit a preliminary report
21 regarding its initial findings and recommendations to the appropriate
22 committees of the legislature and the governor no later than December
23 1, 2015.

24 (6) The work group must meet no less than twice annually.

25 (7) The work group shall report its findings and recommendations
26 to the appropriate committees of the legislature and the governor by
27 September 30, 2016, and by September 30th of each subsequent year.

28 (8) The work group shall function within existing resources and
29 no specific budget may be provided to complete the report.

30 (9) This section expires June 30, 2018.

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