
SUBSTITUTE HOUSE BILL 1068

AS AMENDED BY THE SENATE

Passed Legislature - 2015 Regular Session

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)

READ FIRST TIME 01/27/15.

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, the law enforcement agency must, within thirty days
9 of its receipt, submit a request for laboratory examination to the
10 Washington state patrol crime laboratory for prioritization for
11 testing by it or another accredited laboratory that holds an
12 outsourcing agreement with the Washington state patrol if:

13 (a) Consent has been given by the victim; or

14 (b) The victim is a person under the age of eighteen who is not
15 emancipated pursuant to chapter 13.64 RCW.

16 (2) Subject to available funding, the Washington state patrol
17 crime laboratory must give priority to the laboratory examination of
18 sexual assault examination kits at the request of a local law
19 enforcement agency for:

20 (a) Active investigations and cases with impending court dates;

1 (b) Active investigations where public safety is an immediate
2 concern;

3 (c) Violent crimes investigations, including active sexual
4 assault investigations;

5 (d) Postconviction cases; and

6 (e) Other crimes' investigations and nonactive investigations,
7 such as previously unsubmitted older sexual assault kits or recently
8 collected sexual assault kits that the submitting agency has
9 determined to be lower priority based on their initial investigation.

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

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

21 (5) Nothing in this section may be construed to create a private
22 right of action or claim on the part of any individual, entity, or
23 agency against any law enforcement agency or any contractor of any
24 law enforcement agency.

25 (6) This section applies prospectively only and not
26 retroactively. It only applies to sexual assault examinations
27 performed on or after the effective date of this section.

28 (7)(a) Until June 30, 2018, the Washington state patrol shall
29 compile the following information related to the sexual assault
30 examination kits identified in this section:

31 (i) The number of requests for laboratory examination made for
32 sexual assault examination kits and the law enforcement agencies that
33 submitted the requests; and

34 (ii) The progress made towards testing the sexual assault
35 examination kits, including the status of requests for laboratory
36 examination made by each law enforcement agency.

37 (b) The Washington state patrol shall make recommendations for
38 increasing the progress on testing any untested sexual assault
39 examination kits.

1 (c) Beginning in 2015, the Washington state patrol shall report
2 its findings and recommendations annually to the appropriate
3 committees of the legislature and the governor by December 1st of
4 each year.

5 NEW SECTION. **Sec. 2.** (1)(a) A legislative task force is
6 established to review best practice models for managing all aspects
7 of sexual assault examinations and for reducing the number of
8 untested sexual assault examination kits in Washington state that
9 were collected prior to the effective date of this section.

10 (i) The caucus leaders from the senate shall appoint one member
11 from each of the two largest caucuses of the senate.

12 (ii) The caucus leaders from the house of representatives shall
13 appoint one member from each of the two largest caucuses of the house
14 of representatives.

15 (iii) The president of the senate and the speaker of the house of
16 representatives shall jointly appoint:

17 (A) One member representing each of the following:

18 (I) The Washington state patrol;

19 (II) The Washington association of sheriffs and police chiefs;

20 (III) The Washington association of prosecuting attorneys;

21 (IV) The Washington defender association or the Washington
22 association of criminal defense lawyers;

23 (V) The Washington association of cities;

24 (VI) The Washington association of county officials;

25 (VII) The Washington coalition of sexual assault programs;

26 (VIII) The office of crime victims advocacy;

27 (IX) The Washington state hospital association;

28 (X) The Washington state forensic investigations council;

29 (XI) A public institution of higher education as defined in RCW
30 28B.10.016; and

31 (XII) A private higher education institution as defined in RCW
32 28B.07.020; and

33 (B) Two members representing survivors of sexual assault.

34 (b) The task force shall choose two cochairs from among its
35 legislative membership. The legislative membership shall convene the
36 initial meeting of the task force.

37 (2) The duties of the task force include, but are not limited to:

38 (a) Researching and determining the number of untested sexual
39 assault examination kits in Washington state;

1 (b) Researching the locations where the untested sexual assault
2 examination kits are stored;

3 (c) Researching, reviewing, and making recommendations regarding
4 legislative policy options for reducing the number of untested sexual
5 assault examination kits;

6 (d) Researching the best practice models both in state and from
7 other states for collaborative responses to victims of sexual assault
8 from the point the sexual assault examination kit is collected to the
9 conclusion of the investigation and providing recommendations
10 regarding any existing gaps in Washington and resources that may be
11 necessary to address those gaps; and

12 (e) Researching, identifying, and making recommendations for
13 securing nonstate funding for testing the sexual assault examination
14 kits, and reporting on progress made toward securing such funding.

15 (3) Staff support for the task force must be provided by the
16 senate committee services and the house of representatives office of
17 program research.

18 (4) Legislative members of the task force must be reimbursed for
19 travel expenses in accordance with RCW 44.04.120. Nonlegislative
20 members, except those representing an employer or organization, are
21 entitled to be reimbursed for travel expenses in accordance with RCW
22 43.03.050 and 43.03.060.

23 (5) The expenses of the task force must be paid jointly by the
24 senate and the house of representatives. Task force expenditures are
25 subject to approval by the senate facilities and operations committee
26 and the house of representatives executive rules committee, or their
27 successor committees.

28 (6) The first meeting of the task force must occur prior to
29 October 1, 2015. The task force shall submit a preliminary report
30 regarding its initial findings and recommendations to the appropriate
31 committees of the legislature and the governor no later than December
32 1, 2015.

33 (7) The task force must meet no less than twice annually.

34 (8) The task force shall report its findings and recommendations
35 to the appropriate committees of the legislature and the governor by
36 September 30, 2016, and by September 30th of each subsequent year.

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

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