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SENATE BILL 5225

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State of Washington

64th Legislature

2015 Regular Session

By Senators Kohl-Welles, Roach, Keiser, Darneille, Padden, Fraser,  
and Pedersen

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 to analyze the kit as  
9 part of a sexual assault investigation, the law enforcement agency  
10 must, within thirty days of its receipt, submit the sexual assault  
11 examination kit for analysis to the Washington state patrol crime  
12 laboratory or other accredited laboratory.

13 (2) The failure of a law enforcement agency to submit a sexual  
14 assault examination kit for analysis within the time prescribed under  
15 this section does not constitute grounds in any criminal proceeding  
16 for challenging the validity of a database match or any database  
17 information, and any evidence obtained from the sexual assault  
18 examination kit may not be excluded by a court on those grounds.

19 (3) A person accused or convicted of committing a crime against a  
20 victim has no standing to object to any failure to comply with the  
21 requirements of this section, and the failure to comply with the

1 requirements of this section is not grounds for setting aside the  
2 conviction or sentence.

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

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

11 NEW SECTION. **Sec. 2.** (1) A work group is established to study  
12 the issue of untested sexual assault examination kits and make  
13 recommendations relating to reducing the number of untested sexual  
14 assault kits in Washington state.

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

16 (a) One member from each of the two largest caucuses of the  
17 senate appointed by the president of the senate;

18 (b) One member from each of the two largest caucuses of the house  
19 of representatives, appointed by the speaker of the house of  
20 representatives;

21 (c) The chief of the Washington state patrol or the chief's  
22 designee;

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

25 (e) One member representing the Washington association of  
26 prosecuting attorneys;

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

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

30 (h) One member representing the Washington association of county  
31 officials;

32 (i) One member representing the Washington coalition of sexual  
33 assault programs;

34 (j) One member representing the office of crime victims advocacy;  
35 and

36 (k) One or more individuals who are survivors of sexual assault.

37 (3) Members of the work group shall select two cochairs. One  
38 cochair must be a member of law enforcement, and the other must be a  
39 member of the victim advocacy community.

1           (4) The duties of the work group include, but are not limited to:  
2           (a) Researching and determining the number of untested sexual  
3 assault examination kits in Washington state and the reasons why they  
4 remain untested;  
5           (b) Researching the locations where the untested sexual assault  
6 examination kits are stored;  
7           (c) Researching, reviewing, and making recommendations regarding  
8 legislative policy options for reducing the number of untested sexual  
9 assault examination kits including, but not limited to, increasing  
10 the number of analysts to perform the necessary testing;  
11           (d) Researching, reviewing, and making recommendations regarding  
12 whether additional steps should be taken in cases where sexual  
13 assault examination kits have been tested, such as case reviews or  
14 additional contacts or notifications to the victims; and  
15           (e) Researching, reviewing, and making recommendations regarding  
16 the process by which medical, legal, and victim advocacy systems  
17 collaboratively respond to victims of sexual assault, best practice  
18 models from other states, and any existing gaps in resources needed  
19 to ensure a victim-centered response.  
20           (5) The work group must meet no less than annually.  
21           (6) The work group shall compile its findings and recommendations  
22 into a report and provide its report to the appropriate committees of  
23 the legislature and governor by June 30th of each year.  
24           (7) The work group shall function within existing resources and  
25 no specific budget may be provided to complete the report.  
26           (8) This section expires June 30, 2017.

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