

House Bill 20

Background

Rape Kit Reform: Began working in fall of 2014, multi-year effort to reform all aspects of criminal justice system that are failing victims of sexual assault

- first statewide audit (HB 117, 2015)

- crime lab audit (submitted following hearings on HB 117)

- Senate Bill 54 – put audit requirement in statute

- House Bill 31 – puts victim centered approach in statute, requires training on sexual assault for all law enforcement, and renews audit requirement

Unfinished: timeline for testing and victim notification

Section 1: Sexual Assault in the First Degree

Title 11: Criminal Law

Chapter 41: Crimes Against a Person

Article 4: Sexual Offenses

11.41.410 (a): Sexual Assault in the First Degree (sexual penetration)

Updates to say that a person commits this crime if the victim is mentally incapable or if the victim is unaware that a sexual act is being committed

Section 2: Sexual Assault in the Second Degree

Title 11: Criminal Law

Chapter 41: Crimes Against a Person

Article 4: Sexual Offenses

11.41.420 (a): Sexual Assault in the Second Degree (sexual contact)

Updates to say that a person commits this crime if the victim is mentally incapable, incapacitated, or unaware that the sexual act is being committed

Section 3: Sexual Assault in the Third Degree

Title 11: Criminal Law

Chapter 41: Crimes Against a Person

Article 4: Sexual Offenses

11.41.425 (a): Sexual Assault in the Third Degree (sexual contact)

Updates to say that a person commits this crime if the victim is mentally incapable; incapacitated; or unaware that the sexual act is being committed

Section 4: Sexual Assault Examination Kits

Title 44: State Government

Chapter 41: Department of Public Safety

Section 65: new section – Sexual Assault Examination Kits

Adds language to requires three things:

1. That all sexual assault examination kits are sent to the crime lab within 30 days of collection
2. That all sexual assault examination kits be tested within one year
3. That victims be notified by law enforcement within two weeks that testing is complete.

Section 5: Sexual Assault Examination Kits

Title 44: State Government

Chapter 41: Department of Public Safety

Section 70: Report on Untested Sexual Assault Examination Kits

Amends 44.41.070 (a) and adds language to require the reason a kit was not tested as described in Section 11 that amends 44.41.070

Section 6: Sexual Assault Examination Kits

Title 44: State Government

Chapter 41: Department of Public Safety

Section 70: Report on Untested Sexual Assault Examination Kits

Amends 44.41.070 (b) and adds language to require the reason a kit was not tested as described in Section 5 that amends 44.41.070

Section 7: Sexual Assault Examination Kits

Title 44: State Government

Chapter 41: Department of Public Safety

Section 70: Report on Untested Sexual Assault Examination Kits

Amends 44.41.070 to add a new subsection (e) to read

A sexual assault examination kit is ineligible for testing if the law enforcement agency or state department finds that the sexual assault examination kit

(1) was collected improperly

(2) is not necessary to identify the perpetrator of the crime; or

(3) was collected from a person who does not wish to proceed with criminal charges.

Section 8: Applicability

Makes it clear that these changes “apply to offenses committed on or after the effective dates of secs. 1-3 of this Act.”

Section 9: Effective Date

This act takes effect January 1, 2021.



Thank you!

Questions?