

HOUSE BILL NO. 31

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTIETH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVES TARR, Gara, Tuck, LeDoux, Grenn, Spohnholz, Westlake, Josephson, Sullivan-Leonard, Fansler, Drummond, Millett

Introduced: 1/18/17

Referred: State Affairs, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act requiring the Department of Public Safety to develop a tracking system and**
2 **collection and processing protocol for sexual assault examination kits; requiring law**
3 **enforcement agencies to send sexual assault examination kits for testing within 18**
4 **months after collection; requiring an inventory and reports on untested sexual assault**
5 **examination kits; and providing for an effective date."**

6 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

7 *** Section 1.** AS 44.41 is amended by adding a new section to read:

8 **Sec. 44.41.070. Sexual assault examination kits.** (a) The Department of
9 Public Safety shall develop, for use by all law enforcement agencies in the state,

10 (1) a tracking system for sexual assault examination kits;

11 (2) a protocol for the collection and processing of sexual assault
12 examination kits.

13 (b) A law enforcement agency shall ensure that all sexual assault examination

1 kits collected by that agency are sent, within 18 months after collection of the sexual
 2 assault examination kit, to a laboratory operated or approved by the Department of
 3 Public Safety for either a serological or DNA test.

4 (c) In this section, "law enforcement agency" has the meaning given in
 5 AS 12.36.090.

6 * **Sec. 2.** The uncodified law of the State of Alaska is amended by adding a new section to
 7 read:

8 **REPORT ON UNTESTED SEXUAL ASSAULT EXAMINATION KITS.** (a) By
 9 September 1, 2017, each law enforcement agency and state department charged with the
 10 maintenance, storage, and preservation of sexual assault examination kits shall conduct an
 11 inventory of untested sexual assault examination kits and report, in writing, to the Department
 12 of Public Safety the number of untested sexual assault examination kits in the possession of
 13 the agency or department and the date on which each sexual assault examination kit was
 14 collected.

15 (b) By November 1, 2017, the Department of Public Safety shall prepare and transmit
 16 a report to the president of the senate and the speaker of the house of representatives that
 17 contains

18 (1) the number of untested sexual assault examination kits stored by each law
 19 enforcement agency or department;

20 (2) the date each untested sexual assault examination kit was collected; and

21 (3) a plan for addressing the backlog and prevention of a backlog of untested
 22 sexual assault examination kits.

23 (c) The Department of Public Safety shall deliver a copy of the report prepared under
 24 (b) of this section to the senate secretary and the chief clerk of the house of representatives
 25 and notify the legislature that the report is available.

26 (d) In this section, "untested sexual assault examination kit" means a sexual assault
 27 examination kit with evidence that

28 (1) has been collected but that has not been submitted to a laboratory operated
 29 or approved by the Department of Public Safety for either a serological or DNA test; or

30 (2) has been collected and submitted to a laboratory operated or approved by
 31 the Department of Public Safety but that has not had a serological or DNA test conducted on

1 the evidence.

2 * **Sec. 3.** AS 44.41.070(b), enacted by sec. 1 of this Act, takes effect January 1, 2018.

3 * **Sec. 4.** Except as provided in sec. 3 of this Act, this Act takes effect immediately under

4 AS 01.10.070(c).