

HOUSE BILL No. 1313

DIGEST OF INTRODUCED BILL

Citations Affected: IC 10-11-2; IC 16-18-2; IC 16-21-8.

Synopsis: Rape kit audit. Requires the superintendent of the Indiana state police (superintendent) to adopt guidelines that establish a reporting form or format that allows: (1) providers of sexual assault examination services (providers) to provide certain information concerning sexual assault examination kits to the superintendent; and (2) crime labs to provide certain information concerning sexual assault examination kit testing to the superintendent. Requires the superintendent to provide a report concerning sexual assault examination kit testing to the interim committee on courts and criminal code each year. Defines certain terms. Makes conforming amendments.

Effective: July 1, 2019.

Jackson

January 14, 2019, read first time and referred to Committee on Veterans Affairs and Public Safety.



First Regular Session of the 121st General Assembly (2019)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2018 Regular and Special Session of the General Assembly.

HOUSE BILL No. 1313

A BILL FOR AN ACT to amend the Indiana Code concerning health.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 10-11-2-33, AS ADDED BY P.L.161-2014,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2019]: Sec. 33. **(a) The following definitions apply
4 throughout this section:**

5 (1) "Law enforcement agency" has the meaning set forth in
6 IC 35-47-15-2.

7 (2) "Provider" has the meaning set forth in IC 16-21-8-0.2(4).

8 (3) "Sex crime" has the meaning set forth in IC 16-21-8-1(b).

9 (4) "Sexual assault examination kit" means the standard
10 medical forensic examination kit for victims of a sex crime, as
11 developed by the state police department under subsection
12 (b).

13 (a) (b) The superintendent shall adopt guidelines to **accomplish the
14 following:**

15 (1) Establish a standard medical forensic examination kit for
16 victims of a sex crime.

17 (2) **Create and distribute a reporting form, a specified**



1 electronic format, or both, that allows the following:

2 (A) Each provider to provide the following information to
3 the superintendent:

4 (i) The name of the provider.

5 (ii) The name of the provider's employing entity.

6 (iii) The date a sexual assault examination kit was used
7 to collect evidence.

8 (iv) The law enforcement agency responsible for taking
9 custody of the sexual assault examination kit.

10 (v) The law enforcement case number assigned to the
11 sexual assault examination kit, if known and available.

12 (B) Each crime lab to provide the following information to
13 the superintendent:

14 (i) The total number of sexual assault examination kits in
15 the crime lab's possession.

16 (ii) The total number of sexual assault examination kits
17 awaiting testing by the crime lab.

18 (iii) The total number of sexual assault examination kits
19 received by the crime lab during the past year.

20 (iv) The total number of sexual assault examination kits
21 that have been tested by the crime lab for the past year.

22 (v) Possible reasons for delays in sexual assault
23 examination kit testing.

24 (c) The information described in subsection (b) shall be
25 provided to the superintendent:

26 (1) in the manner prescribed by the guidelines adopted under
27 this section; and

28 (2) not later than December 31 of each year.

29 (b) (d) The superintendent shall distribute the standard medical
30 forensic examination kits to hospitals and other health care providers
31 who may provide forensic medical examinations to the victims of a sex
32 crime. The superintendent may adopt guidelines to carry out this
33 subsection:

34 SECTION 2. IC 10-11-2-35 IS ADDED TO THE INDIANA CODE
35 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
36 1, 2019]: Sec. 35. (a) The following definitions apply throughout
37 this section:

38 (1) "Committee" means the interim study committee on
39 corrections and criminal code established by IC 2-5-1.3-4.

40 (2) "Provider" has the meaning set forth in IC 16-21-8-0.2(4).

41 (3) "Sexual assault examination kit" means the standard
42 medical forensic examination kit for victims of a sex crime, as



- 1 developed by the state police department under section 33 of
2 this chapter.
- 3 **(b) The superintendent shall report annually to the committee**
4 **on the following matters:**
- 5 **(1) The total number of sexual assault examination kits**
6 **awaiting testing.**
- 7 **(2) The total number of sexual assault examination kits**
8 **collected by providers during the past year.**
- 9 **(3) The total number of sexual assault examination kits**
10 **submitted to crime labs during the past year.**
- 11 **(4) The total number of sexual assault examination kits that**
12 **have been tested for the past year.**
- 13 **(5) The total number of sexual assault examination kits**
14 **awaiting testing for the past year.**
- 15 **(6) Possible reasons for delays in sexual assault examination**
16 **kit testing.**
- 17 **(c) The report shall be submitted before November 1 of each**
18 **year to the committee in an electronic format under IC 5-14-6.**
- 19 **(d) The report may include any additional information that the**
20 **superintendent believes will be helpful to the committee.**
- 21 SECTION 3. IC 16-18-2-88.7 IS ADDED TO THE INDIANA
22 CODE AS A NEW SECTION TO READ AS FOLLOWS
23 [EFFECTIVE JULY 1, 2019]: **Sec. 88.7. "Crime lab", for purposes**
24 **of IC 16-21-8-1.3, has the meaning set forth in IC 16-21-8-0.2.**
- 25 SECTION 4. IC 16-18-2-344, AS AMENDED BY THE
26 TECHNICAL CORRECTIONS BILL OF THE 2019 GENERAL
27 ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
28 JULY 1, 2019]: Sec. 344. "Superintendent":
- 29 (1) for purposes of ~~IC 16-21-8-1.8~~; **IC 16-21-8-1.3**, has the
30 meaning set forth in IC 10-11-1-4; and
- 31 (2) for purposes of IC 16-36-3, has the meaning set forth in
32 IC 12-7-2-188(3).
- 33 SECTION 5. IC 16-21-8-0.2, AS ADDED BY P.L.161-2014,
34 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
35 JULY 1, 2019]: Sec. 0.2. The following definitions apply throughout
36 this chapter:
- 37 **(1) "Crime lab" means a scientific laboratory that provides**
38 **one (1) or more of the following services:**
- 39 **(A) The collection of physical evidence that may be**
40 **analyzed or used during a criminal investigation or**
41 **prosecution.**
- 42 **(B) The analysis of physical evidence that:**



1 (i) has been collected by or submitted to a law
2 enforcement agency; and

3 (ii) may be used or presented during the course of a
4 criminal investigation or criminal prosecution.

5 ~~(+)~~ (2) "Division" refers to the victim services division of the
6 Indiana criminal justice institute established by IC 5-2-6-8(a).

7 ~~(-)~~ (3) "Evidence" means the results collected from a forensic
8 medical examination of a victim by a provider.

9 ~~(-)~~ (4) "Provider" means a hospital or licensed medical services
10 provider that provides forensic medical exams and additional
11 forensic services to a victim.

12 ~~(+)~~ (5) "Sample" means the result collected from a forensic
13 medical examination of the victim by a provider, when the victim
14 has not yet reported the sex crime to law enforcement.

15 ~~(-)~~ (6) "Secured storage" means a method of storing a sample that
16 will adequately safeguard the integrity and viability of the sample.

17 ~~(-)~~ (7) "Sexual assault examination kit" means the standard
18 medical forensic examination kit for victims of sexual assault
19 developed by the state police department under IC 10-11-2-33.

20 ~~(-)~~ (8) "Sexual assault nurse examiner" means a registered nurse
21 who:

22 (A) has received training to provide comprehensive care to
23 sexual assault survivors; and

24 (B) can:

25 (i) conduct a forensic medical examination; and

26 (ii) collect evidence from a sexual assault victim.

27 (9) "Superintendent" has the meaning set forth in
28 IC 10-11-1-4.

29 SECTION 6. IC 16-21-8-1.3 IS ADDED TO THE INDIANA CODE
30 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
31 1, 2019]: **Sec. 1.3. (a) Every provider that collects sexual assault
32 evidence for a crime described in section 1(b) of this chapter
33 through use of a sexual assault examination kit shall submit an
34 annual report to the superintendent before December 31 of each
35 year.**

36 **(b) The report described in subsection (a) shall consist of the
37 following:**

38 **(1) The name of the provider.**

39 **(2) The name of the employing entity of the provider.**

40 **(3) The date the sexual assault examination kit was used to
41 collect evidence.**

42 **(4) The law enforcement agency responsible for taking**



- 1 custody of the sexual assault examination kit.
- 2 (5) The law enforcement case number assigned to the sexual
- 3 assault examination kit, if known and available.
- 4 (c) Every crime lab that receives a sexual assault examination
- 5 kit from a law enforcement agency shall submit an annual report
- 6 to the superintendent before December 31 of each year.
- 7 (d) The report described in subsection (c) shall consist of the
- 8 following:
- 9 (1) The total number of sexual assault examination kits in the
- 10 crime lab's possession.
- 11 (2) The total number of sexual assault examination kits
- 12 awaiting testing by the crime lab.
- 13 (3) The total number of sexual assault examination kits
- 14 received by the crime lab during the past year.
- 15 (4) The total number of sexual assault examination kits that
- 16 have been tested by the crime lab for the past year.
- 17 (5) Possible reasons for delays in sexual assault examination
- 18 kit testing.

