

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.

SENATE ENROLLED ACT No. 424

AN ACT to amend the Indiana Code concerning health.

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

SECTION 1. IC 16-18-2-277.9 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 277.9. "Personal information", for purposes of IC 16-21-8-11, has the meaning set forth in IC 16-21-8-0.2(3).**

SECTION 2. IC 16-21-8-0.2, AS ADDED BY P.L.161-2014, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 0.2. The following definitions apply throughout this chapter:

- (1) "Division" refers to the victim services division of the Indiana criminal justice institute established by IC 5-2-6-8(a).
- (2) "Evidence" means the results collected from a forensic medical examination of a victim by a provider.
- (3) "Personal information" has the meaning set forth in IC 9-14-6-6.**
- ~~(3)~~ **(4)** "Provider" means a hospital or licensed medical services provider that provides forensic medical exams and additional forensic services to a victim.
- ~~(4)~~ **(5)** "Sample" means the result collected from a forensic medical examination of the victim by a provider, when the victim has not yet reported the sex crime to law enforcement.
- ~~(5)~~ **(6)** "Secured storage" means a method of storing a sample that

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will adequately safeguard the integrity and viability of the sample.
~~(6)~~ (7) "Sexual assault examination kit" means the standard medical forensic examination kit for victims of sexual assault developed by the state police department under IC 10-11-2-33.
~~(7)~~ (8) "Sexual assault nurse examiner" means a registered nurse who:

- (A) has received training to provide comprehensive care to sexual assault survivors; and
- (B) can:
 - (i) conduct a forensic medical examination; and
 - (ii) collect evidence from a sexual assault victim.

SECTION 3. IC 16-21-8-5, AS AMENDED BY P.L.41-2007, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 5. (a) The division shall award compensation or reimbursement under this chapter for forensic medical exams.

(b) The division is not required to award compensation or reimbursement under this chapter for additional forensic services unless the following conditions are met:

- (1) The victim is at least eighteen (18) years of age.
- (2) If the victim is less than eighteen (18) years of age, a report of the sex crime must be made to child protective services or a law enforcement officer.
- (3) The sex crime occurred in Indiana.
- (4) The provider has initiated the claim for reimbursement in the division's designated web based claims reimbursement and sexual assault examination kit tracking system.**

If the division finds a compelling reason for failure to comply with the requirements of this section, the division may suspend the requirements of this section.

(c) A claim filed for services provided at a time before the provision of the forensic medical exams and additional forensic services for which an application for reimbursement is filed is not covered under this chapter.

SECTION 4. IC 16-21-8-9.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 9.5. After a forensic medical examination, an alleged sex crime victim may shower at the facility where the examination was conducted, if available, without charge.**

SECTION 5. IC 16-21-8-10, AS ADDED BY P.L.41-2007, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 10. (a) Law enforcement shall:

- (1) obtain the sample within forty-eight (48) hours after receiving



a provider's notification; and

(2) transport the sample to secured storage.

(b) Law enforcement shall keep the sample in secured storage until the earlier of the following:

(1) At least one (1) year after the date the sample is placed in secured storage.

(2) The victim reports the sex crime to law enforcement and the sample is transported to the a crime lab. for investigation and use as evidence.

(c) The division shall notify the victim, as described in subsection (d), that the victim's sample will be removed from secured storage and may be destroyed if the victim does not report the sex crime to law enforcement on or before the date described in subsection (b)(1).

(d) The notice the division is required to provide a victim under subsection (c) shall be sent:

(1) by first class mail to the individual's last known address;

(2) by electronic mail to the individual's last known electronic mail address; and

(3) six (6) months and thirty (30) days before the date described in subsection (b)(1).

(c) Notification of sample destruction may be provided by the division through the web based claims reimbursement and sexual assault examination kit tracking system. Law enforcement agencies and prosecuting attorneys shall cooperate with the division by providing storage updates to the division via the web based claims reimbursement and sexual assault examination kit tracking system.

(d) A victim may register for notification through the web based claims reimbursement and sexual assault examination kit tracking system.

(e) Each county shall develop and implement a plan for the secured storage **and destruction** of samples.

(f) The director of the Indiana criminal justice institute may delay the implementation of this section until the earlier of the following:

(1) A date set by the director.

(2) The date funding becomes available by a grant through the criminal justice institute or by an appropriation from the general assembly.

If the director of the criminal justice institute delays implementation of this section, the director shall notify the prosecuting attorney of each county of the director's action and when funding becomes available to implement this section.

(g) The failure to comply with:

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(1) this chapter;
 (2) a plan adopted by a county; or
 (3) a protocol adopted by a sexual assault response team;
 does not, standing alone, affect the admissibility of a sample as evidence in a criminal or civil proceeding.

SECTION 6. IC 16-21-8-11 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 11. (a) Information entered into the web based claims reimbursement and sexual assault examination kit tracking system for the purposes of reimbursement to a provider for a forensic medical exam or the location of a sexual assault examination kit is confidential until the later of the following:**

- (1) The sexual assault examination kit is destroyed in accordance with section 10 of this chapter.
- (2) The conclusion of a case filed by a prosecuting attorney with appropriate jurisdiction.

(b) A victim's:

- (1) personal information; and
- (2) medical records;

are confidential.

SECTION 7. IC 16-21-8-12 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 12. The following persons or entities shall provide status and storage updates, as applicable, to the division's web based claims reimbursement and sexual assault examination kit tracking system as necessary:**

- (1) A crime lab responsible for examining or testing a sexual assault examination kit.
- (2) A law enforcement agency responsible for the collection or storage of a sexual assault examination kit.
- (3) A prosecuting attorney responsible for a criminal prosecution that involves the examination, use, or testing of a sexual assault examination kit.
- (4) A provider.



President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Governor of the State of Indiana

Date: _____ Time: _____

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