

HOUSE No. 4013

Sections 74 and 119 contained in the engrossed Bill making appropriations for the fiscal year 2022 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (see House, No. 4002), which had been returned by His Excellency the Governor with recommendation of amendment (for message see Attachment M of House, No. 4019). July 22, 2021.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act relative to sexual assault evidence kits.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to require forthwith testing of previously untested investigatory sexual assault evidence kits, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 2A of chapter 5 of the acts of 2019 is hereby amended by striking
2 out item 8100-1014, as amended by section 40 of chapter 142 of the acts of 2019, and inserting
3 in place thereof the following item:-

4 8100-1014. For costs associated with the collection and testing of all previously untested
5 investigatory sexual assault evidence kits by the crime laboratory within the department of state
6 police or by an accredited private crime laboratory designated by the secretary of public safety
7 and security; provided, that all previously untested investigatory sexual assault evidence kits
8 shall be tested within 180 days of the effective date of this act; provided further, that for the

9 purposes of this item, “previously untested investigatory sexual assault evidence kits” shall mean
10 any sexual assault evidence kit or additional evidence collected contemporaneously with such kit
11 that has not been subjected to a forensic DNA analysis intended to develop an autosomal DNA
12 profile that is eligible for entry into CODIS and the state DNA databases; and provided further,
13 that any unexpended funds in this item shall not revert but shall be made available for the
14 purposes of this item until June 30, 2022.....\$8,000,000

15 SECTION 2. Notwithstanding any general or special law to the contrary, all previously
16 untested investigatory sexual assault evidence kits shall be tested within 180 days of the effective
17 date of this act. Not later than January 1, 2022, the executive office of public safety and security
18 shall file a report with the clerks of the house of representatives and senate and the joint
19 committee on public safety and homeland security on the status of testing untested investigatory
20 sexual assault evidence kits, which shall include, but not be limited to, the following
21 information: (i) the number of untested investigatory sexual assault evidence kits in the
22 possession of public crime laboratories prior to the effective date of this act; (ii) the year each kit
23 was collected; (iii) the date each kit was tested; and (iv) the date the resulting information was
24 entered into CODIS and the state DNA databases. For the purposes of this section, “untested
25 investigatory sexual assault evidence kits” shall mean any sexual assault evidence kit or
26 additional evidence collected contemporaneously with such kit that has not been subjected to a
27 forensic DNA analysis intended to develop an autosomal DNA profile that is eligible for entry
28 into CODIS and the state DNA databases. The report shall be made publicly available on the
29 executive office’s website not later than January 1, 2022.

30 SECTION 3. This act shall take effect as of July 1, 2021.