

HOUSE No. 4364

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

An Act relative to preservation of evidence for victims of rape and sexual assault.

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 97B of chapter 41, as appearing in the M.G.L. 2014 Official
2 Edition, is hereby amended by striking the sentence found in lines 28 through 33 and replacing it
3 as follows:—

4 At the time the evidence is obtained, a hospital licensed pursuant to the provisions of
5 chapter one hundred and eleven shall inform a victim of rape or sexual assault that the evidence
6 of rape or sexual assault preserved in said kit shall be kept for a period of at least fifteen years.
7 This notice shall be provided to such victim in writing by such hospital.

8 Any governmental entity that is in possession of forensic evidence, as defined in section
9 220 of chapter 111, that is collected for its potential evidentiary value during the investigation of
10 a rape or sexual assault shall retain such forensic evidence for the length of the statute of
11 limitations for the identified crime, in no case less than fifteen years, whether or not that crime
12 has been charged. Each governmental entity shall retain all such forensic evidence in a manner

13 that is reasonably designed to preserve the forensic evidence and to prevent its destruction or
14 deterioration.

15 The director of the crime laboratory within the department of state police and the forensic
16 sciences advisory board established by section 184A of chapter 6, shall promulgate regulations
17 governing the retention and preservation of forensic by any governmental entity. The regulations
18 shall include standards for maintaining the integrity of the materials over time, the designation of
19 officials at each governmental entity with custodial responsibility and requirements for
20 contemporaneously recorded documentation of individuals having and obtaining custody of any
21 forensic evidence.