

1 **SENATE FLOOR VERSION**

2 February 20, 2019

3 **AS AMENDED**

4 SENATE BILL NO. 967

5 By: Floyd, Dahm and Bice of the
6 Senate

7 and

8 Echols of the House

9 [**sexual assault collection kits - statewide
10 electronic tracking system - Division Director of the
11 OSBI Crime Laboratory - codification - ~~effective date~~**

12 **-
13 emergency]**

14 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

15 SECTION 1. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 150.28a of Title 74, unless
17 there is created a duplication in numbering, reads as follows:

18 A. The Criminalistics Services Division of the Oklahoma State
19 Bureau of Investigation (OSBI) shall develop and implement a
20 statewide electronic tracking system for evidence collection kits
21 used to collect and preserve evidence of a sexual assault or other
22 sex offense. All sexual assault evidence collection kits, purchased
23 and/or distributed by the Oklahoma State Bureau of Investigation to
24 collection sites on or after October 1, 2019, shall be trackable and
25 shall comply with the requirements of the electronic tracking
26 system.

1 B. The Division Director of the OSBI Crime Laboratory shall
2 implement protocols and administer the tracking system. The
3 Division Director shall implement protocols and the Bureau shall
4 promulgate rules and guidelines to ensure that previously untested
5 sexual assault evidence collection kits are trackable and are
6 entered into the tracking system. Any law enforcement agency,
7 medical provider or forensic laboratory that has in its custody a
8 previously untested sexual assault evidence collection kit used for
9 a forensic medical examination shall comply with the established
10 protocols, rules and guidelines relating to all untested kits.

11 C. For purposes of this section, "previously untested sexual
12 assault evidence collection kit" means any kit that has not
13 undergone forensic testing and was identified and included in the
14 2017-2018 statewide inventories of kits in law enforcement custody
15 pursuant to the Governor's Executive Order 2017-11. To the extent
16 practicable, and consistent with protecting victim confidentiality
17 for unreported sexual assaults, a law enforcement agency having
18 custody of a kit governed by this subsection shall take reasonable
19 measures to provide appropriate tracking information to the affected
20 victim.

21 D. The tracking system shall:

22 1. Track the location and status of each evidence collection
23 kit through the criminal justice process, including the initial
24 collection of evidence for the kit in a forensic medical examination

1 performed at a health care facility, receipt and storage of the kit
2 at a law enforcement agency, receipt and analysis of the kit at an
3 accredited crime laboratory, and storage and destruction of the kit
4 after the applicable evidence is analyzed;

5 2. Allow a health care facility performing a forensic medical
6 examination of a survivor, law enforcement agency, accredited crime
7 laboratory, prosecutor or other entity providing a chain of custody
8 for an evidence collection kit to update and track the status and
9 location of the kits; and

10 3. Allow a survivor to anonymously track or receive updates
11 regarding the statute and location of the survivor's evidence
12 collection kit.

13 E. The Bureau shall require participation in the tracking
14 system by all medical providers, law enforcement agencies, forensic
15 laboratories or other persons or entities having custody or use of
16 any sexual assault evidence collection kit in the State of Oklahoma.
17 These entities shall participate in the tracking system and comply
18 with the established protocols, rules and guidelines. A
19 participating entity shall be permitted to access the entity's
20 tracking information through the System.

21 F. Records entered into the tracking system are confidential.
22 Records relating to an evidence collection kit may be accessed only
23 by:

24

1 1. The survivor for whom the evidence collection kit was
2 completed; or

3 2. An employee of an entity described by subsection C for
4 purposes of updating or tracking the status or location of the
5 evidence collection kit.

6 G. No later than January 1, 2020, the Oklahoma State Bureau of
7 Investigation shall require all entities described in this section
8 to participate in the statewide tracking system established by this
9 section.

10 ~~SECTION 2. This act shall become effective July 1, 2019.~~

11 ~~SECTION 3. It being immediately necessary for the preservation~~
12 ~~of the public peace, health or safety, an emergency is hereby~~
13 ~~declared to exist, by reason whereof this act shall take effect and~~
14 ~~be in full force from and after its passage and approval.~~

15 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS
16 February 20, 2019 - DO PASS AS AMENDED

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