

An Act

ENROLLED SENATE
BILL NO. 967

By: Floyd, Dahm and Bice of the
Senate

and

Echols, Lawson and Nollan
of the House

An Act relating to sexual assault collection kits; providing for creation and implementation of a statewide electronic tracking system; requiring all kits be trackable; directing Division Director of the OSBI Crime Laboratory to implement protocols and administer the tracking system; providing definition; requiring certain functions of the tracking system; providing for certain records disclosure; directing mandatory participation in tracking system; providing for codification; providing an effective date; and declaring an emergency.

SUBJECT: Sexual assault collection kits

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

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

A. The Criminalistics Services Division of the Oklahoma State Bureau of Investigation (OSBI) shall develop and implement a statewide electronic tracking system for evidence collection kits used to collect and preserve evidence of a sexual assault or other sex offense. All sexual assault evidence collection kits, purchased

and/or distributed by the Oklahoma State Bureau of Investigation to collection sites on or after October 1, 2019, shall be trackable and shall comply with the requirements of the electronic tracking system.

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

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

D. The tracking system shall:

1. Track the location and status of each evidence collection kit through the criminal justice process, including the initial collection of evidence for the kit in a forensic medical examination performed at a health care facility, receipt and storage of the kit at a law enforcement agency, receipt and analysis of the kit at an accredited crime laboratory, and storage and destruction of the kit after the applicable evidence is analyzed;

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

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

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

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

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

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

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

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

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

Passed the Senate the 11th day of March, 2019.

Presiding Officer of the Senate

Passed the House of Representatives the 15th day of April, 2019.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____