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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 2088 Session of  
2024

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INTRODUCED BY MUNROE, BRENNAN, BOROWSKI, SANCHEZ, KAZEEM,  
VENKAT, SCHLOSSBERG, McNEILL, CERRATO, MAYES, PROBST,  
T. DAVIS, STEELE, CONKLIN, DELLOSO, D. WILLIAMS, CIRESI,  
SCOTT, HOGAN, DALEY, BELLMON AND MALAGARI, MARCH 6, 2024

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REFERRED TO COMMITTEE ON JUDICIARY, MARCH 6, 2024

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AN ACT

1 Amending the act of November 29, 2006 (P.L.1471, No.165),  
2 entitled "An act providing for a sexual assault evidence  
3 collection program and for powers and duties of the  
4 Department of Health and the Pennsylvania State Police;  
5 establishing civil immunity; and providing for rights of  
6 sexual assault victims," further providing for definitions  
7 and for sexual assault evidence collection program.

8 The General Assembly of the Commonwealth of Pennsylvania  
9 hereby enacts as follows:

10 Section 1. The definition of "SART" in section 2 of the act  
11 of November 29, 2006 (P.L.1471, No.165), known as the Sexual  
12 Assault Testing and Evidence Collection Act, is amended and the  
13 section is amended by adding a definition to read:

14 Section 2. Definitions.

15 The following words and phrases when used in this act shall  
16 have the meanings given to them in this section unless the  
17 context clearly indicates otherwise:

18 \* \* \*

19 "Sexual assault nurse examiner" or "SANE." A registered

1 professional nurse who has completed a sexual assault nurse  
2 examiner training program and successfully passed an exam that  
3 meets the Sexual Assault Nurse Examiner Education Guidelines  
4 established by the International Association of Forensic Nurses  
5 and operates as a member of the sexual assault response team.

6 "Sexual assault response team" or "SART." [The Sexual  
7 Assault Response Team.] A health care practitioner who is  
8 certified as a sexual assault forensic examiner or sexual  
9 assault nurse examiner, local law enforcement agency or public  
10 or private agency responsible for coordinating or performing a  
11 medical forensic examination or delivery of subsequent medical  
12 or legal services to a victim.

13 \* \* \*

14 Section 2. Section 3 of the act is amended by adding a  
15 subsection to read:

16 Section 3. Sexual assault evidence collection program.

17 \* \* \*

18 (c.2) Tracking system.--No later than one year from the  
19 effective date of this subsection, the department, in  
20 conjunction with the recommendations of the Statewide Sexual  
21 Assault Evidence Collection Kit Tracking System advisory  
22 committee under paragraph (6), shall launch a Statewide tracking  
23 system for the purpose of electronically tracking all sexual  
24 assault evidence collection kits collected under this section.  
25 The following shall apply:

26 (1) The tracking system may be the system utilized in  
27 other states or may be a system developed by the Pennsylvania  
28 State Police. The tracking system shall be administered and  
29 funded jointly by the department and the Pennsylvania State  
30 Police, each having designated system administrators as

1 needed to meet the demands of the system and the individuals  
2 using the system. All technical onboarding, assistance and  
3 maintenance of the tracking system shall be provided by the  
4 Pennsylvania State Police. The department shall consider the  
5 following system aspects when choosing a tracking system to  
6 utilize:

7 (i) The tracking system shall be an online  
8 accessible database capable of receiving, maintaining,  
9 storing and preserving records related to all sexual  
10 assault evidence collection kits collected under  
11 subsection (c) and this subsection.

12 (ii) The tracking system shall have a publicly  
13 accessible Internet website, which shall include  
14 information and referral services for victims, including  
15 crime victim rights, local rape crisis centers,  
16 behavioral health, law enforcement, district attorneys  
17 and medical providers.

18 (iii) The tracking system shall be accessible by  
19 victims and authorized users as determined by the  
20 department and the Pennsylvania State Police.

21 (iv) The tracking system shall permit victims to  
22 anonymously access the system, and no personally  
23 identifiable information or medical records shall be  
24 entered into the system.

25 (v) The tracking system shall be capable of  
26 providing various reports.

27 (vi) The tracking system shall be capable of  
28 modifications and adjustments as may be recommended by  
29 the Statewide Sexual Assault Evidence Collection Kit  
30 Tracking System advisory committee.

1           (2) All medical providers, law enforcement agencies,  
2 forensic laboratories or other persons or entities having use  
3 or custody of any sexual assault evidence collection kits in  
4 this Commonwealth shall participate in the tracking system  
5 and comply with the established rules, protocols and  
6 guidelines established by the department.

7           (3) All sexual assault evidence collection kits  
8 purchased or distributed on or after the launch of the system  
9 shall be trackable and comply with the requirements of the  
10 system.

11           (4) Each victim shall be able to track the location and  
12 status of the victim's sexual assault evidence collection kit  
13 and be able to determine whether the forensic testing of the  
14 kit has been completed.

15           (5) The department, in conjunction with the  
16 recommendations of the Statewide Sexual Assault Evidence  
17 Collection Kit Tracking System advisory committee, shall  
18 adopt rules, guidelines and protocols for the function and  
19 administration of the system, which shall address the  
20 following:

21           (i) The best options for maintaining the tracking  
22 system and ensuring ease of use and online access by  
23 entities and individuals, including developing  
24 instructions on how to use and access the database.

25           (ii) The best practices for ensuring victim privacy,  
26 confidentiality and safety.

27           (iii) The best practices for record retention within  
28 the tracking system.

29           (iv) Tracking kits of minor victims.

30           (v) Identifying and defining roles of entities and

1 individuals who must have access to the tracking system.

2 (vi) Monitoring compliance of entities and  
3 individuals required to participate in the tracking  
4 system.

5 (vii) Streamlining the current kit inventory  
6 reporting requirements under subsection (d) by using  
7 reports generated by the tracking system.

8 (viii) Permitting partnerships between local law  
9 enforcement agencies for purposes of designating system  
10 users and contact resources for smaller law enforcement  
11 agencies.

12 (ix) Any other aspect of the tracking system's  
13 function, use or administration as may be required over  
14 time to ensure that the system meets the needs of those  
15 using and accessing the system.

16 (6) For the purpose of providing recommendations to the  
17 department regarding the implementation, utilization and  
18 optimization of a Statewide tracking system, the secretary  
19 shall convene a Statewide Sexual Assault Evidence Collection  
20 Kit Tracking System advisory committee consisting of  
21 volunteer members representing the following:

22 (i) The Pennsylvania State Police.

23 (ii) The Office of Attorney General.

24 (iii) The Pennsylvania District Attorneys  
25 Association.

26 (iv) The Pennsylvania Chiefs of Police.

27 (v) The Office of the Victim Advocate.

28 (vi) The Pennsylvania Coalition Against Rape.

29 (vii) The International Association of Forensic  
30 Nurses.

- 1           (viii) The Hospital and Healthsystem Association.  
2           (ix) A local sexual assault response team.  
3           (x) A sexual assault nurse examiner.  
4           (xi) A child advocacy center.  
5           (xii) Any other entity or individual having  
6           knowledge and experience relevant to the purpose of the  
7           advisory committee.

8           \* \* \*

9           Section 3. This act shall take effect in 60 days.