START\_STATUTE13-1426.  Sexual assault investigations; collected biological evidence testing; definitions

A.  A health care facility that obtains written consent to release sexual assault kit evidence shall notify the investigating law enforcement agency, if known, or the law enforcement agency that has jurisdiction in that portion of the local unit of government in which the health care facility is located within forty‑eight hours after the sexual assault kit evidence collection.

B.  A law enforcement agency that receives notice pursuant to subsection A of this section must take possession of the sexual assault kit evidence from the health care facility within five business days after notification.

C.  The investigating law enforcement agency must submit the sexual assault kit evidence to a public accredited crime laboratory for forensic analysis within fifteen business days after its receipt in all cases in which a victim reports to law enforcement and law enforcement determines that a crime occurred.

D.  All sexual assault examination kits that are submitted for analysis must be analyzed as soon as practicable if sufficient personnel and resources are available.

E.  The public accredited crime laboratory shall ensure that all eligible DNA profiles are uploaded into:

1.  Databases that are maintained by the state law enforcement agency, if the DNA profile meets the requirements of the state database comparison policies.

2.  Databases that are maintained by municipal law enforcement agencies, if the DNA profile meets the requirements of the municipal crime laboratory comparison policies.

3.  The combined DNA index system database established by the federal bureau of investigation, if the DNA profile meets the requirements of the bureau's comparison policies.

F.  A public accredited crime laboratory may contract with a private accredited crime laboratory, as appropriate, to perform the analysis that is required by this section, subject to the necessary quality assurance reviews by the public accredited crime laboratory.

G.  The failure of a law enforcement agency to submit a request for analysis within the time limits prescribed by this section does not constitute grounds in any criminal or civil proceeding to challenge the validity of a DNA evidence association and a court may not exclude any evidence obtained from the sexual assault examination kit on those grounds.

H.  A person who is accused or convicted of committing a crime against a victim does not have standing to object to any failure to comply with this section and such failure is not grounds for setting aside a conviction or sentence.

I.  This section does not establish a private right of action or claim on the part of any individual, entity or agency against any law enforcement agency or any contractor of a law enforcement agency.

J.  For the purposes of this section:

1.  "Law enforcement agency" means the police department of any state, county, municipality or postsecondary educational institution or for any agency that has an agreement in place for evidence analysis.

2.  "Public accredited crime laboratory" means a crime laboratory that is established pursuant to section 41‑1771 or a municipal crime laboratory. END\_STATUTE