

REFERENCE TITLE: reporting; untested sexual assault kits

State of Arizona
Senate
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2016

SB 1406

Introduced by
Senators Hobbs, Bradley, Cajero Bedford, Contreras, Dalessandro, Farley,
McGuire, Pancrazi, Sherwood; Representatives Alston, Fernandez, Mendez,
Mesnard, Plumlee, Rios; Senators Lesko, Quezada, Shooter, Smith;
Representatives Boyer, Frieese, McCune Davis

AN ACT

PROVIDING FOR REPORTING BY CRIMINAL JUSTICE AGENCIES ON UNTESTED SEXUAL
ASSAULT COLLECTION KITS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Criminal justice agencies; inventory of sexual
3 assault collection kits; report; department of
4 public safety crime laboratory report on untested
5 sexual assault collection kits; definitions

6 A. By January 1, 2017, each criminal justice agency that is charged
7 with the maintenance, storage and preservation of sexual assault collection
8 kits shall conduct a physical inventory of all of the kits that are being
9 stored by the agency and shall compile, in writing, a report containing the
10 number of untested sexual assault collection kits in the possession of the
11 agency, the date the sexual assault kit was collected and the reason why the
12 kit is currently untested. Each criminal justice agency shall also provide
13 written notification if it does not have any untested sexual assault
14 collection kits in its possession. Each agency shall transmit the report to
15 the director of the department of public safety's crime laboratory.

16 B. On or before March 1, 2017, the department of public safety crime
17 laboratory shall prepare and transmit a report to the chairman of the senate
18 judiciary committee and the chairman of the house of representatives
19 judiciary committee containing the number of untested sexual assault
20 collection kits that are being stored by each criminal justice agency, the
21 date the untested kit was collected and any reasons why the kits are
22 untested. The report must also include the name and contact information of
23 each criminal justice agency that failed to submit the report required by
24 subsection A of this section.

25 C. For the purposes of this section:

26 1. "Criminal justice agency" means any government agency, subunit of
27 an agency or private agency that, through statutory authorization or a legal
28 formal agreement with a governmental unit or agency, has the power of
29 investigation, arrest, detention, prosecution, adjudication, treatment,
30 supervision, rehabilitation or release of persons suspected, charged or
31 convicted of a crime or that collects, stores, processes, transmits or
32 disseminates criminal history record or crime information.

33 2. "Forensic medical examination" means an examination provided to the
34 victim of a sexually oriented criminal offense by a health care provider for
35 the purpose of gathering and preserving evidence of a sexual assault for use
36 in a court of law.

37 3. "Sexual assault collection kit" means a human biological specimen
38 or specimens collected from the victim of a sexually oriented criminal
39 offense by a health care provider during a forensic medical examination.

40 4. "Sexually oriented criminal offense" includes sexual abuse pursuant
41 to section 13-1404, Arizona Revised Statutes, and sexual assault pursuant to
42 section 13-1406, Arizona Revised Statutes.

43 5. "Untested sexual assault collection kit" means a sexual assault
44 collection kit that has not been submitted to the department of public
45 safety's crime laboratory or a similar qualified laboratory for either a
46 serology or deoxyribonucleic acid test.