

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023

A Bill

HOUSE BILL 1829

4
5 By: Representatives Lundstrum, Bentley, Brooks, K. Brown, Burkes, Cavanaugh, Crawford, D. Garner,
6 Gramlich, L. Johnson, Long, McAlindon, McGrew, Pilkington, R. Scott Richardson, Rye, Unger, Wooten
7 By: Senators C. Penzo, K. Hammer, Irvin

For An Act To Be Entitled

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10 AN ACT TO AMEND THE LAW CONCERNING SEXUAL ASSAULT
11 COLLECTION KITS AND ANONYMOUS KITS; TO REQUIRE A
12 STATEWIDE ACCOUNTING OF ALL UNTESTED SEXUAL ASSAULT
13 COLLECTION KITS AND UNSUBMITTED ANONYMOUS KITS; TO
14 MAKE CONFORMING CHANGES; AND FOR OTHER PURPOSES.

Subtitle

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18 TO AMEND THE LAW CONCERNING SEXUAL
19 ASSAULT COLLECTION KITS AND ANONYMOUS
20 KITS; AND TO REQUIRE A STATEWIDE
21 ACCOUNTING OF ALL UNTESTED SEXUAL ASSAULT
22 COLLECTION KITS AND UNSUBMITTED ANONYMOUS
23 KITS.

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26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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28 SECTION 1. Arkansas Code § 12-12-406(a)(3), concerning sexual assault
29 collection kits and the submission of sexual assault kits for testing, is
30 amended to read as follows:

31 (3) A sexual assault collection kit or an anonymous kit
32 collected by a licensed healthcare provider shall be taken into custody by a
33 law enforcement agency as soon as possible and within three (3) business days
34 of notice from the licensed healthcare provider.

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36 SECTION 2. Arkansas Code § 12-12-406(c) and (d), concerning sexual



1 assault collection kits and the submission of sexual assault kits for
2 testing, are amended to read as follows:

3 (c) A sexual assault collection kit or an anonymous kit shall be
4 submitted to the laboratory by the receiving law enforcement agency using the
5 sexual assault collection kit tracking number as soon as possible, but no
6 later than fifteen (15) days after receipt of the sexual assault collection
7 kit or anonymous kit.

8 ~~(d)(1) A law enforcement agency is not required to submit an anonymous~~
9 ~~kit to the laboratory if the victim does not affirmatively request~~
10 ~~submission.~~ If a victim for whom victim information has been entered into a
11 sexual assault collection kit tracking system chooses to report the sexual
12 assault to the law enforcement agency with jurisdiction, the law enforcement
13 agency with jurisdiction shall submit a request to the laboratory with all
14 known information so that the victim's sexual assault collection kit results
15 can be located at the laboratory and released.

16 (2) ~~If a victim chooses to provide a personal statement about~~
17 ~~the sexual assault to a law enforcement agency at any time after initially~~
18 ~~declining to provide a personal statement, the anonymous kit shall be~~
19 ~~delivered to the laboratory as soon as possible, but no later than fifteen~~
20 ~~(15) days after the victim chooses to provide a personal statement to the law~~
21 ~~enforcement agency.~~ A law enforcement agency with jurisdiction shall submit
22 the request required under subdivision (d)(1) of this section to the
23 laboratory as soon as possible, but no later than fifteen (15) days after the
24 victim reports the sexual assault to the law enforcement agency with
25 jurisdiction.

26
27 SECTION 3. Arkansas Code § 12-12-406, concerning sexual assault
28 collection kits and the submission of sexual assault kits for testing, is
29 amended to add an additional subsection to read as follows:

30 (g) A law enforcement agency may contract with one (1) or more parties
31 to assist in meeting the requirement stated in subsection (c) of this
32 section.

33
34 SECTION 4. Arkansas Code Title 12, Chapter 12, Subchapter 4, is
35 amended to add an additional section to read as follows:

36 12-12-407. Audit of untested sexual assault collection kits and

1 unsubmitted anonymous kits.

2 (a) As used in this section:

3 (1) "Unsubmitted anonymous kit" means an anonymous kit that has
4 not been taken into custody by a law enforcement agency and submitted to the
5 State Crime Laboratory; and

6 (2) "Untested sexual assault collection kit" means a sexual
7 assault collection kit that has not been submitted to the State Crime
8 Laboratory or a similar qualified laboratory for either a serology or DNA
9 test.

10 (b)(1) The State Crime Laboratory shall develop a:

11 (A) Sexual assault evidence inventory audit document for a
12 law enforcement agency; and

13 (B) Sexual assault evidence inventory audit document for a
14 licensed healthcare provider.

15 (2)(A) The sexual assault evidence inventory audit document for
16 a law enforcement agency and the sexual assault evidence inventory audit
17 document for a licensed healthcare provider shall be reviewed and updated
18 periodically.

19 (B) The updated sexual assault evidence inventory audit
20 document for a law enforcement agency and the sexual assault evidence
21 inventory audit document for a licensed healthcare provider may be set forth
22 in rules promulgated by the State Crime Laboratory under the Arkansas
23 Administrative Procedure Act, § 25-15-201 et seq.

24 (c) Before December 31 of each year, a law enforcement agency that
25 maintains, stores, or preserves sexual assault evidence shall conduct an
26 audit of all untested sexual assault collection kits, unsubmitted anonymous
27 kits, and any associated evidence being stored by the law enforcement agency
28 and report the information to the State Crime Laboratory, using the sexual
29 assault evidence inventory audit document for a law enforcement agency.

30 (d) Before December 31 of each year, each licensed healthcare provider
31 charged with performing medical-legal examinations shall conduct an audit of
32 all untested sexual assault collection kits and unsubmitted anonymous kits
33 being stored by the licensed healthcare provider and report the information
34 to the State Crime Laboratory, using the sexual assault evidence inventory
35 audit document for a licensed healthcare provider.

36 (e) The State Crime Laboratory may communicate with a licensed

1 healthcare provider or a law enforcement agency for the purpose of
2 coordinating testing and other appropriate handling of sexual assault
3 collection kits and anonymous kits.

4 (f) Except as set forth in subsection (g) of this section, information
5 reported to the State Crime Laboratory under this section, as well as
6 information compiled or accumulated by a licensed healthcare provider or law
7 enforcement agency for the purpose of audits required by this section, is
8 confidential and not subject to discovery under the Arkansas Rules of Civil
9 Procedure or the Freedom of Information Act of 1967, § 25-19-101 et seq.

10 (g)(1) On or before each February 1, the State Crime Laboratory shall
11 prepare and transmit to the President Pro Tempore of the Senate, the Speaker
12 of the House of Representatives, the Senate Committee on Public Health,
13 Welfare, and Labor, the House Committee on Public Health, Welfare, and Labor,
14 and the Attorney General a report containing:

15 (A) A compilation of the data submitted by law enforcement
16 agencies and licensed healthcare providers under this section, with the data
17 reported in the aggregate; and

18 (B) A plan to address any backlog of untested sexual
19 assault collection kits and unsubmitted anonymous kits.

20 (2) The report submitted under subdivision (g)(1) of this
21 section shall be presented to the Senate Committee on Public Health, Welfare,
22 and Labor and the House Committee on Public Health, Welfare, and Labor,
23 meeting jointly.

24 (h) This section does not remove confidentiality protection for an
25 alleged victim of a sexual assault or other sex crime otherwise provided
26 under Arkansas or federal laws, rules, or regulations.

27 (i) A medical-legal examination continues to be subject to § 12-12-402
28 and other applicable law.

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31 **APPROVED: 4/11/23**
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