

1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015
4

As Engrossed: H3/25/15

A Bill

HOUSE BILL 1208

5 By: Representative Gonzales
6

For An Act To Be Entitled

8 AN ACT CONCERNING A STATEWIDE ACCOUNTING OF ALL
9 UNSUBMITTED RAPE KITS; AND FOR OTHER PURPOSES.
10

Subtitle

11 CONCERNING A STATEWIDE ACCOUNTING OF ALL
12 UNSUBMITTED RAPE KITS.
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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19 SECTION 1. DO NOT CODIFY. Temporary legislation.

20 (a) As used in this section:

21 (1) "Healthcare provider" means an individual or facility that
22 provides a medical-legal examination;

23 (2) "Law enforcement agency" means a police force or
24 organization whose primary responsibility as established by statute or
25 ordinance is the enforcement of the criminal laws, traffic laws, or highway
26 laws of this state;

27 (3) "Medical-legal examination" means health care delivered to a
28 possible victim of a sex crime, with an emphasis on the gathering and
29 preserving of evidence for the purpose of prosecution;

30 (4) "Sex crime" means an offense described in § 5-14-101 et seq.
31 or § 5-26-202;

32 (5) "Sexual assault collection kit" means a human biological
33 specimen or specimens collected during a medical-legal examination from the
34 alleged victim of a sex crime; and

35 (6) "Untested sexual assault collection kit" means a sexual
36 assault collection kit that has not been submitted to the State Crime



1 Laboratory or a similar qualified laboratory for either a serology or DNA
2 test.

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

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

6 (B) Sexual assault evidence inventory audit document for a
7 healthcare provider.

8 (2)(A) The sexual assault evidence inventory audit document for
9 a law enforcement agency and the sexual assault evidence inventory audit
10 document for a healthcare provider shall be reviewed and updated
11 periodically.

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

17 (c) Before December 31 of each year, a law enforcement agency that
18 maintains, stores, or preserves sexual assault evidence shall conduct an
19 audit of all untested sexual assault collection kits and any associated
20 evidence being stored by the law enforcement agency and report the
21 information to the State Crime Laboratory, using the sexual assault evidence
22 inventory audit document for a law enforcement agency.

23 (d) Before December 31 of each year, each healthcare provider charged
24 with performing medical-legal examinations shall conduct an audit of all
25 untested sexual assault collection kits being stored by the healthcare
26 provider and report the information to the State Crime Laboratory, using the
27 sexual assault evidence inventory audit document for a healthcare provider.

28 (e) The State Crime Laboratory may communicate with a healthcare
29 provider or a law enforcement agency for the purpose of coordinating testing
30 and other appropriate handling of sexual assault collection kits.

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

1 (g) On or before each February 1, the State Crime Laboratory shall
2 prepare and transmit to the President Pro Tempore of the Senate and the
3 Speaker of the House of Representatives a report containing:

4 (1) A compilation of the data submitted by law enforcement
5 agencies and healthcare providers under this section, with the data reported
6 in the aggregate; and

7 (2) A plan to address any backlog of untested sexual assault
8 collection kits.

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

12 (i) A medical-legal examination continues to be subject to § 12-12-402
13 or other applicable law.

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15 /s/Gonzales
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