

SENATE BILL NO. 296

BY SENATOR MORRELL

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AN ACT

To enact R.S. 15:622, relative to sexual assault collection kits; to require criminal justice agencies to conduct a physical inventory of such kits; to provide for definitions; to provide relative to the reporting of such inventory; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:622 is hereby enacted to read as follows:

§622. Sexual assault collection kits

A. As used in this Section:

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

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

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

(4) "Sexually-oriented criminal offense" includes any sexual assault offense as defined in R.S. 44:51 and any sexual abuse offense as defined in R.S. 14:403.

1 (5) "Untested sexual assault collection kit" means a sexual assault
 2 collection kit that has not been submitted to the Louisiana State Police Crime
 3 Laboratory or a similar qualified laboratory for either a serology or
 4 deoxyribonucleic acid (DNA) test.

5 B. By January 1, 2015, all criminal justice agencies charged with the
 6 maintenance, storage, and preservation of sexual assault collection kits shall
 7 conduct a physical inventory of all such kits being stored by the agency and
 8 shall compile, in writing, a report containing the number of untested sexual
 9 assault collection kits in the possession of the agency and the date the sexual
 10 assault kit was collected. Each criminal justice agency shall also provide
 11 written notification if it does not have any untested sexual assault collection kits
 12 in its possession. The report shall be transmitted to the director of the Louisiana
 13 State Police Crime Laboratory.

14 C. By March 1, 2015, the Louisiana State Police Crime Lab shall
 15 prepare and transmit a report to the chairman of the Senate Committee on
 16 Judiciary B and the chairman of the House of Representatives Committee on
 17 Judiciary containing the number of untested sexual assault collection kits being
 18 stored by each parish, by each criminal justice agency, and the date the untested
 19 kit was collected. The report shall also include the name and contact
 20 information of each criminal justice agency that failed to submit the report
 21 required by Subsection B of this Section.

 PRESIDENT OF THE SENATE

 SPEAKER OF THE HOUSE OF REPRESENTATIVES

 GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____