



SENATE OF PENNSYLVANIA BILL SUMMARY

Senate Bill 742 Printer's No. 909

Prime Sponsor: Senator Greenleaf
Committee: Judiciary

SYNOPSIS:

This bill amends the Sexual Assault Testing and Evidence Collection Act to provide sexual assault victims with the right to a forensic examination and information relating to the examination.

SUMMARY:

Adds to the rights of sexual assault victims by providing:

- The right to a medical forensic examination free of charge
- The right to have a rape kit or its probative contents preserved without charge for the duration of the maximum applicable statute of limitations
- The right, upon written request, to receive written notification no later than 60 days before destruction of the evidence and to be granted further preservation of the evidence
- The right to be informed in writing of policies governing the collection and preservation of rape kits
- The right to consult with a sexual assault counselor
- The right to information concerning the availability of protective orders, victim compensation, and restitution

EFFECTIVE DATE: Effective in 60 days.

COMMENT:

The Sexual Assault Testing and Evidence Collection Act currently provides the following:

- Establishes a statewide sexual assault evidence collection program to promote the health and safety of victims and to facilitate the prosecution of persons accused of sexual assault
- Requires the program to develop minimum standards for rape kits used in hospitals, test commercially available rape kits, and approve laboratories to receive sexual assault evidence for testing
- Requires the Pennsylvania State Police to work with local police agencies to ensure proper collection and handling of sexual assault evidence
- Establishes a protocol to follow when sexual assault evidence is collected in a hospital: the hospital must notify a local law enforcement agency, which shall take possession of the evidence within 72 hours; evidence must be retained for two years if the victim has not consented to testing of the evidence
- Requires annual reports of backlogged evidence data
- Identifies the rights of sexual assault victims to the disclosure of information regarding evidence submitted for forensic testing

BILL HISTORY:

None.

Prepared by: Cawley 9/14/2017