



# House of Representatives

General Assembly

**File No. 359**

*January Session, 2015*

Substitute House Bill No. 6498

*House of Representatives, April 1, 2015*

The Committee on Public Safety and Security reported through REP. DARGAN of the 115th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

## ***AN ACT CONCERNING THE TIMELY TRANSFER AND PROCESSING OF SEXUAL ASSAULT EVIDENCE COLLECTION KITS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (d) of section 19a-112a of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective*  
3 *October 1, 2015*):

4 (d) Each health care facility in the state which provides for the  
5 collection of sexual assault evidence shall follow the protocol as  
6 described in subsection (b) of this section and, with the consent of the  
7 victim, shall collect sexual assault evidence. [The] After the collection  
8 of any such evidence, the health care facility shall contact a police  
9 department [which] to receive such evidence. Not later than ten days  
10 after receipt of such evidence, the police department shall transfer such  
11 evidence, [collected pursuant to subsection (b) of this section,] in a  
12 manner that maintains the integrity of the evidence, to the Division of  
13 Scientific Services within the Department of Emergency Services and

14 Public Protection or the Federal Bureau of Investigation laboratory.  
 15 [The agency that receives such evidence] The Division of Scientific  
 16 Services shall analyze such evidence not later than sixty days after  
 17 receiving such evidence or, if the victim chose to remain anonymous at  
 18 the time of collection, shall hold [that] such evidence for sixty days  
 19 after [such collection] receiving such evidence, except that, if the victim  
 20 reports the sexual assault to the police after the collection of the  
 21 evidence, the [evidence shall be analyzed] division shall analyze such  
 22 evidence upon request of the police department that transferred the  
 23 evidence to [such agency and held by] the division not later than sixty  
 24 days after receiving such request. The agency or police department  
 25 shall hold such evidence until the conclusion of any criminal  
 26 proceedings. The failure of a police department to transfer such  
 27 evidence not later than ten days after receiving the evidence, or the  
 28 Division of Scientific Services to analyze the evidence not later than  
 29 sixty days after receiving such evidence or receiving such request from  
 30 such police department, shall not affect the admissibility of such  
 31 evidence in any suit, action or proceeding if such evidence is otherwise  
 32 admissible.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2015	19a-112a(d)

**PS**      *Joint Favorable Subst.*

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The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

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***OFA Fiscal Note***

***State Impact:*** None

***Municipal Impact:*** None

***Explanation***

The bill establishes deadlines for the submission and testing of sexual assault evidence by police departments and the Department of Emergency Services and Public Protection's Division of Scientific Services (DESPP/DSS). There is no fiscal impact arising from the bill as the deadlines are consistent with current practice at DESPP/DSS.

***The Out Years***

***State Impact:*** None

***Municipal Impact:*** None

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**OLR Bill Analysis**

**sHB 6498**

***AN ACT CONCERNING THE TIMELY TRANSFER AND PROCESSING OF SEXUAL ASSAULT EVIDENCE COLLECTION KITS.***

**SUMMARY:**

This bill establishes deadlines for transferring and processing sexual assault evidence police obtain from a health care facility that collects such evidence. By law, when the facility collects sexual assault evidence, it must “contact” a police department (in effect, provide the evidence to the police department).

Under current law, the police department that receives the evidence must transfer it to one of two agencies: the state Division of Scientific Services or the FBI. Current law requires the agency that receives the evidence to hold it for 60 days. But if the victim reports the assault to the police, the agency must analyze it, at the request of the police department that transferred it, and the police department and the agency must hold it until any criminal proceedings end.

This bill, instead, requires the police department to transfer the evidence to the Division of Scientific Services or the FBI within 10 days after receiving it.

It requires the division, but not the FBI, to analyze the evidence within 60 days of receipt, unless the victim chose to remain anonymous when the evidence was collected. In such cases, the division must hold the evidence for 60 days from receipt and if the victim reports the assault after the evidence is collected, the division must analyze it, at the request of the police department that transferred it, within 60 days after receiving the request. And as under current law, the pertinent agency and the police department must hold the

evidence until any criminal proceedings end.

Under the bill, a department's failure to transfer the evidence, or the division's failure to process it within the deadlines does not affect the admissibility of the evidence.

The bill also makes technical changes.

EFFECTIVE DATE: October 1, 2015

**BACKGROUND**

***Sexual Assault Kits***

By law, the Commission on the Standardization of the Collection of Evidence in Sexual Assault Investigations must design a sexual assault evidence collection kit, which must include instructions on the proper use of the kit, standardized reporting forms, standardized tests to be performed if the victim consents, and standardized receptacles for collecting and preserving the evidence. The commission must provide the kits to all health care facilities in the state that perform evidence collection examinations (CGS § 19a-112a(c)).

***Division of Scientific Services***

The Division of Scientific Services is within the Department of Emergency Services and Public Protection. It operates three laboratories: a toxicology and controlled substances laboratory, a forensic science laboratory, and a computer crime and electronics laboratory.

**COMMITTEE ACTION**

Public Safety and Security Committee

Joint Favorable Substitute

Yea 23 Nay 0 (03/19/2015)