
OLR Bill Analysis

sSB 17 (File 267, as amended by Senate "A")*

AN ACT CONCERNING PROCEDURES RELATED TO COLLECTING AND PROCESSING SEXUAL ASSAULT EVIDENCE COLLECTION KITS.

SUMMARY

This bill requires health care facilities that collect sexual assault evidence to contact a sexual assault counselor (see BACKGROUND) when a person who identifies himself or herself as a sexual assault victim arrives at the facility. It also requires the Department of Emergency Services and Public Protection (DESPP) to implement an electronic tracking system for sexual assault evidence collection kits.

The bill specifically states that the failure of any person to comply with the law on collecting, transferring, or analyzing sexual assault evidence or the protocol does not affect the admissibility of the evidence in any suit, action, or proceeding if the evidence is otherwise admissible

The bill increases, from 14 to 15, the membership of the Commission on the Standardization of the Collection of Evidence in Sexual Assault Investigations by adding a representative from Disability Rights Connecticut, Inc. appointed by its board of directors.

Under the bill, the commission must also advise the Chief State's Attorney on establishing a mandatory training program for health care facility staff on the kit-tracking software.

The bill also makes a minor change and several technical changes, including (1) replacing the term "police department" with "law enforcement agency," which includes the State Police or any municipal police department and (2) updating an organization name change by replacing the Connecticut Sexual Assault Crisis Services, Inc. with the Connecticut Alliance to End Sexual Violence.

*Senate Amendment "A" (1) requires certain health care facilities to contact a sexual assault counselor rather than requiring the commission to recommend regulations for such notification, (2) adds the provision that failure to comply does not affect the evidence's admissibility, and (3) makes technical changes including updating an organizational name change.

EFFECTIVE DATE: July 1, 2018

ELECTRONIC SEXUAL ASSAULT EVIDENCE COLLECTION KIT-TRACKING

The bill requires DESPP, by October 1, 2018, to (1) implement an electronic tracking system for sexual assault evidence collection kits and (2) notify health care facilities that perform evidence collection exams about the kit-tracking system.

The bill also requires the commission, by October 1, 2018, to develop guidelines for:

1. a health care facility's use of kit-tracking software to record (a) when a collection kit is used and (b) when and to which law enforcement agency the kit is transferred;
2. DESPP's Division of Scientific Services use of the software to record the receipt of each kit a law enforcement agency submits; and
3. training health care facility and division employees who are subject to the guidelines, including how to use the kit-tracking software.

By the same date, the commission must develop policies and procedures to ensure each victim has access to information about his or her kit. This must include information on:

1. when the kit was tested and
2. whether DNA obtained from the kit was entered into the state, federal, or another state's DNA data bank, and if it was,

whether it satisfactorily matches a profile in any such DNA data bank.

BACKGROUND

Sexual Assault Counselor

A “sexual assault counselor” is anyone involved with a rape crisis center who:

1. has undergone a minimum of 20 hours of training that include the dynamics of sexual assault and incest, crisis intervention, communication skills, working with diverse populations, an overview of the state criminal justice system, information about hospital and medical systems, and information about state and community resources for sexual assault victims;
2. is certified as a counselor by the sexual assault center that has provided such training;
3. is under the control of a rape crisis center’s direct services supervisor; and
4. has the primary purpose of rendering advice, counsel, and assistance to, and advocacy for sexual assault victims.

“Sexual assault counselor” also includes any armed forces member of the state or the United States who is trained and certified as a victim advocate or a sexual assault prevention coordinator in accordance with the military's sexual assault prevention and response program.

Commission on the Standardization of the Collection of Evidence in Sexual Assault Investigations

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 proper use, standardized reporting forms, standardized tests to be performed if the victim consents, and standardized receptacles for collecting and preserving evidence. The commission must provide the kits at no cost to all health care facilities in the state that perform evidence collection

examinations (CGS § 19a-112a(c)).

Related Bill

HB 5222, reported favorably by the Public Safety and Security Committee, requires the Commission on the Standardization of the Collection of Evidence in Sexual Assault Investigations to examine ways to ensure each sexual assault victim has access to information about his or her sexual assault evidence collection kit.

COMMITTEE ACTION

Public Safety and Security Committee

Joint Favorable Substitute

Yea 24 Nay 0 (03/16/2018)