



# Senate

General Assembly

**File No. 267**

February Session, 2018

Substitute Senate Bill No. 17

*Senate, April 5, 2018*

The Committee on Public Safety and Security reported through SEN. LARSON of the 3rd Dist. and SEN. GUGLIELMO of the 35th Dist., Chairpersons of the Committee on the part of the Senate, that the substitute bill ought to pass.

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

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

1 Section 1. Section 19a-112a of the general statutes is repealed and  
2 the following is substituted in lieu thereof (*Effective July 1, 2018*):

3 (a) There is created a Commission on the Standardization of the  
4 Collection of Evidence in Sexual Assault Investigations composed of  
5 [fourteen] fifteen members as follows: The Chief State's Attorney or a  
6 designee; the executive director of the Commission on Women,  
7 Children and Seniors or a designee; the Commissioner of Children and  
8 Families or a designee; one member from the Division of State Police  
9 and one member from the Division of Scientific Services appointed by  
10 the Commissioner of Emergency Services and Public Protection; one  
11 member from Connecticut Sexual Assault Crisis Services, Inc.  
12 appointed by its board of directors; one member from the Connecticut  
13 Hospital Association appointed by the president of the association; one

14 emergency physician appointed by the president of the Connecticut  
15 College of Emergency Physicians; one obstetrician-gynecologist and  
16 one pediatrician appointed by the president of the Connecticut State  
17 Medical Society; one nurse appointed by the president of the  
18 Connecticut Nurses' Association; one emergency nurse appointed by  
19 the president of the Emergency Nurses' Association of Connecticut;  
20 one police chief appointed by the president of the Connecticut Police  
21 Chiefs Association; [and] one member of the Office of Victim Services  
22 within the Judicial Department; and one member of Disability Rights  
23 Connecticut, Inc. appointed by its board of directors. The Chief State's  
24 Attorney or a designee shall be chairman of the commission. The  
25 commission shall be within the Division of Criminal Justice for  
26 administrative purposes only.

27 (b) (1) For the purposes of this section, (A) "protocol" means the  
28 state of Connecticut Technical Guidelines for Health Care Response to  
29 Victims of Sexual Assault, including the Interim Sexual Assault  
30 Toxicology Screen Protocol, as revised from time to time and as  
31 incorporated in regulations adopted in accordance with subdivision (2)  
32 of this subsection, pertaining to the collection of evidence in any sexual  
33 assault investigation, and (B) "law enforcement agency" means the  
34 Division of State Police within the Department of Emergency Services  
35 and Public Protection or any municipal police department.

36 (2) The commission shall recommend the protocol to the Chief  
37 State's Attorney for adoption as regulations in accordance with the  
38 provisions of chapter 54. Such protocol shall (A) include  
39 nonoccupational post-exposure prophylaxis for human  
40 immunodeficiency virus (nPEP), as recommended by the National  
41 Centers for Disease Control, and (B) require a health care facility that  
42 provides for the collection of sexual assault evidence to contact a  
43 sexual assault counselor, as defined in section 52-146k, when a person  
44 who identifies himself or herself as a victim of sexual assault arrives at  
45 such health care facility and consents to such contact. The commission  
46 shall annually review the protocol and may annually recommend  
47 changes to the protocol for adoption as regulations.

48 (c) (1) The commission shall design a sexual assault evidence  
49 collection kit and may annually recommend changes in the kit to the  
50 Chief State's Attorney. Each kit shall include instructions on the proper  
51 use of the kit, standardized reporting forms, standardized tests which  
52 shall be performed if the victim so consents and standardized  
53 receptacles for the collection and preservation of evidence. The  
54 commission shall provide the kits to all health care facilities in the state  
55 at which evidence collection examinations are performed at no cost to  
56 such health care facilities.

57 (2) Not later than October 1, 2018, the Division of Scientific Services  
58 within the Department of Emergency Services and Public Protection  
59 shall (A) implement an electronic tracking system for sexual assault  
60 evidence collection kits, and (B) notify health care facilities at which  
61 evidence collection examinations are performed of such kit-tracking  
62 system.

63 (3) Not later than October 1, 2018, the commission shall develop  
64 guidelines for (A) the use by such health care facilities of kit-tracking  
65 software to record (i) when a sexual assault evidence collection kit is  
66 used, and (ii) when and to which law enforcement agency the kit is  
67 transferred, (B) the use by the Division of Scientific Services within the  
68 Department of Emergency Services and Public Protection of such  
69 software to record the receipt of each kit submitted by a law  
70 enforcement agency to the division, and (C) training employees of  
71 such health care facilities and the division who are subject to the  
72 guidelines, including instruction on the use of such kit-tracking  
73 software.

74 (d) Each health care facility in the state [which] that provides for the  
75 collection of sexual assault evidence shall follow the protocol [as  
76 described in] adopted under subsection (b) of this section and, with the  
77 consent of the victim, shall collect sexual assault evidence. After the  
78 collection of any evidence, the health care facility shall contact a [police  
79 department] law enforcement agency to receive the evidence. Not later  
80 than ten days after the collection of the evidence, the [police

81 department] law enforcement agency shall transfer the evidence, in a  
82 manner that maintains the integrity of the evidence, to the Division of  
83 Scientific Services within the Department of Emergency Services and  
84 Public Protection or the Federal Bureau of Investigation laboratory. If  
85 the evidence is transferred to the division, the division shall analyze  
86 the evidence not later than sixty days after the collection of the  
87 evidence or, if the victim chose to remain anonymous and not report  
88 the sexual assault to the [police department] law enforcement agency  
89 at the time of collection, shall hold the evidence for at least five years  
90 after the collection of the evidence. If a victim reports the sexual  
91 assault to the [police department] law enforcement agency after the  
92 collection of the evidence, such [police department] law enforcement  
93 agency shall notify the division that a report has been filed not later  
94 than five days after filing such report and the division shall analyze the  
95 evidence not later than sixty days after receiving such notification. The  
96 division shall hold any evidence received and analyzed pursuant to  
97 this subsection until the conclusion of any criminal proceedings. The  
98 failure of a [police department] law enforcement agency to transfer the  
99 evidence not later than ten days after the collection of the evidence, or  
100 the division to analyze the evidence not later than sixty days after the  
101 collection of the evidence or after receiving a notification from a [police  
102 department] law enforcement agency, shall not affect the admissibility  
103 of the evidence in any suit, action or proceeding if the evidence is  
104 otherwise admissible.

105 (e) (1) No costs incurred by a health care facility for the examination  
106 of a victim of sexual assault, when such examination is performed for  
107 the purpose of gathering evidence as prescribed in the protocol,  
108 including the costs of testing for pregnancy and sexually transmitted  
109 diseases and the costs of prophylactic treatment as provided in the  
110 protocol, and no costs incurred for a medical forensic assessment  
111 interview conducted by a health care facility or provider or by an  
112 examiner working in conjunction with a multidisciplinary team  
113 established pursuant to section 17a-106a or with a child advocacy  
114 center, shall be charged directly or indirectly to such victim. Any such  
115 costs shall be charged to the Forensic Sex Evidence Exams account in

116 the Judicial Department.

117 (2) No costs incurred by a health care facility for any toxicology  
118 screening of a victim of sexual assault, when such screening is  
119 performed as prescribed in the protocol, shall be charged directly or  
120 indirectly to such victim. Any such costs shall be charged to the  
121 Division of Scientific Services within the Department of Emergency  
122 Services and Public Protection.

123 (f) The commission shall advise the Chief State's Attorney on the  
124 establishment of a mandatory training program for health care facility  
125 staff regarding the implementation of the regulations, the use of the  
126 sexual assault evidence collection kit and kit-tracking software and  
127 procedures for handling evidence.

128 (g) The commission shall advise the Chief State's Attorney not later  
129 than July 1, 1997, on the development of a sexual assault examiner  
130 program and annually thereafter on the implementation and  
131 effectiveness of such program.

132 (h) Not later than October 1, 2018, the commission shall develop  
133 policies and procedures to ensure each victim has access to  
134 information regarding the victim's sexual assault evidence collection  
135 kit, including, but not limited to, information regarding when the kit  
136 was tested, whether DNA (deoxyribonucleic acid) obtained from the  
137 testing of the kit was entered into the DNA data bank established  
138 under section 54-102j, a national DNA data bank or any other data  
139 bank of another state, and if so, whether the sample derived from the  
140 kit satisfactorily matches a profile in any such DNA data bank.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2018	19a-112a

**PS** Joint Favorable Subst.

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**

There is no fiscal impact resulting from the bill, which changes the process by which sexual assault kits are stored at state and municipal police departments, among various other policies. The requirements in the bill reflect current best practices by law enforcement and therefore it is not expected any additional personnel or storage costs would be incurred.

**The Out Years****State Impact:** None**Municipal Impact:** None

**OLR Bill Analysis****sSB 17****AN ACT CONCERNING PROCEDURES RELATED TO COLLECTING AND PROCESSING SEXUAL ASSAULT EVIDENCE COLLECTION KITS.****SUMMARY**

This bill requires the Department of Emergency Services and Public Protection (DESPP) to implement an electronic tracking system for sexual assault evidence collection kits.

The bill also requires the Commission on the Standardization of the Collection of Evidence in Sexual Assault Investigations to recommend that the Chief State's Attorney adopt regulations that require a health care facility that collects sexual assault evidence to contact a sexual assault counselor when someone identifies him or herself as a victim and consents to such contact. 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 increases the commission's membership, from 14 to 15, by adding a representative from Disability Rights Connecticut, Inc. appointed by its board of directors.

The bill also makes a minor and several technical changes, including replacing "police department" with "law enforcement agency," which includes the State Police or any municipal police department.

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**

### ***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)