



General Assembly

February Session, 2018

**Governor's Bill No. 17**

LCO No. 342



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Referred to Committee on PUBLIC SAFETY AND SECURITY

Introduced by:

SEN. LOONEY, 11<sup>th</sup> Dist.

SEN. DUFF, 25<sup>th</sup> Dist.

REP. ARESIMOWICZ, 30<sup>th</sup> Dist.

REP. RITTER M., 1<sup>st</sup> Dist.

***AN ACT PROMOTING FAIRNESS IN ACCESS TO INFORMATION,  
SUPPORT AND JUSTICE FOR SEXUAL ASSAULT VICTIMS.***

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 Section 19a-112a of the general statutes is repealed and  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 members as follows: The Chief State's Attorney or a designee;  
6 the executive director of the Commission on Women, Children and  
7 Seniors or a designee; the Commissioner of Children and Families or a  
8 designee; one member from the Division of State Police and one  
9 member from the Division of Scientific Services appointed by the  
10 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. The Chief State's Attorney or a  
23 designee shall be chairman of the commission. The commission shall  
24 be within the Division of Criminal Justice for administrative purposes  
25 only.

26 (b) (1) For the purposes of this section, "protocol" means the state of  
27 Connecticut Technical Guidelines for Health Care Response to Victims  
28 of Sexual Assault, including the Interim Sexual Assault Toxicology  
29 Screen Protocol, as revised from time to time and as incorporated in  
30 regulations adopted in accordance with subdivision (2) of this  
31 subsection, pertaining to the collection of evidence in any sexual  
32 assault investigation.

33 (2) The commission shall recommend the protocol to the Chief  
34 State's Attorney for adoption as regulations in accordance with the  
35 provisions of chapter 54. Such protocol shall include nonoccupational  
36 post-exposure prophylaxis for human immunodeficiency virus (nPEP),  
37 as recommended by the National Centers for Disease Control. The  
38 commission shall annually review the protocol and may annually  
39 recommend changes to the protocol for adoption as regulations.

40 (c) (1) The commission shall design a sexual assault evidence  
41 collection kit and may annually recommend changes in the kit to the  
42 Chief State's Attorney. Each kit shall include instructions on the proper  
43 use of the kit, standardized reporting forms, standardized tests which

44 shall be performed if the victim so consents and standardized  
45 receptacles for the collection and preservation of evidence and shall be  
46 affixed with a barcode for tracking by the Division of Scientific  
47 Services within the Department of Emergency Services and Public  
48 Protection. The commission shall provide the kits to all health care  
49 facilities in the state at which evidence collection examinations are  
50 performed at no cost to such health care facilities.

51 (2) Not later than October 1, 2018, the commission shall develop  
52 guidelines for (A) the use by health care facilities of kit-tracking  
53 software to record (i) when a sexual assault kit is used, and (ii) when  
54 and to which law enforcement agency the kit is transferred, (B) the use  
55 by the Division of Scientific Services within the Department of  
56 Emergency Services and Public Protection of such software to record  
57 the receipt of each kit submitted by a law enforcement agency to the  
58 division, and (C) training for employees of such facilities and the  
59 division who are subject to the guidelines, including instruction on the  
60 use of such kit-tracking software.

61 (3) For purposes of this section, "law enforcement agency" means  
62 the Division of State Police within the Department of Emergency  
63 Services and Public Protection or any municipal police department.

64 (d) Each health care facility in the state which provides for the  
65 collection of sexual assault evidence shall follow the protocol as  
66 described in subsection (b) of this section, including, but not limited to,  
67 contacting a sexual assault counselor, as defined in section 52-146k,  
68 upon the arrival of the victim at the facility, and, with the consent of  
69 the victim, shall collect sexual assault evidence. After the collection of  
70 any evidence, the health care facility shall contact a [police  
71 department] law enforcement agency to receive the evidence. Not later  
72 than ten days after the collection of the evidence, the [police  
73 department] law enforcement agency shall transfer the evidence, in a  
74 manner that maintains the integrity of the evidence, to the Division of  
75 Scientific Services within the Department of Emergency Services and

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

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

109 (2) No costs incurred by a health care facility for any toxicology  
110 screening of a victim of sexual assault, when such screening is  
111 performed as prescribed in the protocol, shall be charged directly or  
112 indirectly to such victim. Any such costs shall be charged to the  
113 Division of Scientific Services within the Department of Emergency  
114 Services and Public Protection.

115 (f) The commission shall advise the Chief State's Attorney on the  
116 establishment of a mandatory training program for health care facility  
117 staff regarding the implementation of the regulations, the use of the  
118 evidence collection kit and procedures for handling evidence.

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

123 (h) On or before October 1, 2018, the commission shall develop  
124 policies and procedures to ensure victims have access to information  
125 regarding the victim's kit, including, but not limited to, information  
126 relating to when the kit was tested, whether DNA (deoxyribonucleic  
127 acid) obtained from the testing of the kit was entered into the DNA  
128 data bank established under section 54-102j, a national DNA data bank  
129 or any other data bank of another state, and if so, whether the sample  
130 derived from the kit satisfactorily matches a profile in any such DNA  
131 data bank.

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

**Statement of Purpose:**

To implement the Governor's budget recommendations.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*