

House File 2420 - Enrolled

House File 2420

AN ACT

RELATING TO UNTESTED SEXUAL ABUSE EVIDENCE COLLECTION KITS
STORED AT LAW ENFORCEMENT AGENCIES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. SEXUAL ABUSE EVIDENCE COLLECTION KIT —
INVENTORY.

1. As used in this section, unless the context otherwise requires:

a. "Laboratory" means the state criminalistics laboratory or similar qualified laboratory.

b. "Law enforcement agency" means any governmental agency that investigates persons suspected of or charged with a sex abuse crime. "Law enforcement agency" also includes any governmental agency that collects, stores, processes, transmits, or disseminates analysis of evidence collected in connection with a sexual abuse related crime.

c. "Forensic medical examination" means a sexual abuse examination by a health care provider for the purpose of gathering and preserving evidence of sexual abuse.

d. "Sexual abuse evidence collection kit" means a sexual abuse evidence collection kit that includes a human biological specimen collected by a health care provider during a forensic

medical examination conducted pursuant to section 709.10, subsection 1.

e. "Untested sexual abuse evidence collection kit" means a sexual abuse evidence collection kit collected pursuant to section 709.10 that has not been submitted to a laboratory for either a serology or deoxyribonucleic acid test.

2. The department of justice shall conduct a survey of law enforcement agencies charged with the maintenance, storage, or preservation of untested sexual abuse evidence collection kits. The survey shall contain the following requirements or questions:

a. Does your agency presently store untested sexual abuse evidence collection kits?

b. Where does your agency store untested sexual abuse evidence collection kits?

c. Please inventory all untested sexual abuse evidence collection kits, and identify any of the following that apply:

(1) The unique identifier for the kit.

(2) The date the crime occurred.

(3) The date of examination and forensic collection.

(4) The reason for not submitting the kit to the laboratory for analysis:

(a) The suspect has not been identified.

(b) The existence of doubt about the truthfulness of the victim's accusation.

(c) The case has been dismissed.

(d) The uncertainty about the usefulness of the forensic evidence in the untested sexual abuse evidence collection kit.

(e) The suspect has been identified but not formally charged.

(f) Insufficient funds for testing the sexual abuse evidence collection kit.

(g) The victim did not file charges.

(h) Whether consent was an issue in the case.

(i) Perceived laboratory guidelines.

(j) Other reasons.

(5) (a) Whether a conviction was obtained for any crime associated with the untested sexual abuse evidence collection kit.

(b) If such a conviction was obtained please provide the defendant's name, case number, and the county where the conviction occurred.

d. (1) In the inventory of your agency, how many untested sexual abuse evidence collection kits contain collected forensic evidence that have not been sent to a laboratory?

(2) In the inventory of your agency, how many untested sexual abuse evidence collection kits are held for which the crime was not reported to law enforcement, but the kit was still delivered to your law enforcement agency for storage?

e. Under what circumstances is an untested sexual abuse evidence collection kit destroyed or disposed of by the agency?

3. If information was obtained under subsection 2, paragraph "c", subparagraph (5), that a conviction was obtained for any crime associated with an untested sexual abuse evidence collection kit, the attorney general shall provide the office of the state public defender with the defendant's name, case number, and the county where the conviction occurred, within sixty days of receiving such information.

4. The law enforcement agency shall submit the answers to the survey to the department of justice by January 1, 2017. If a law enforcement agency does not possess any untested sexual abuse evidence collection kits, the agency shall provide written confirmation of such a fact to the department of justice by January 1, 2017.

5. a. The department of justice shall compile the results of the survey and submit a written report to the general assembly no later than March 15, 2017, detailing the results of the survey.

b. The report shall also include the name and contact information of each law enforcement agency that failed to submit answers to the survey as required by subsection 4.

6. The department of justice shall compile and submit a report to the office of the state public defender, not later than March 15, 2017, that provides the date an untested sexual abuse evidence collection kit was collected, where the collection occurred, and the case number, if any, associated with the untested sexual abuse evidence collection kit.

Sec. 2. IMPLEMENTATION OF ACT. Section 25B.2, subsection 3, shall not apply to this Act.

LINDA UPMEYER
Speaker of the House

PAM JOCHUM
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2420, Eighty-sixth General Assembly.

CARMINE BOAL
Chief Clerk of the House

Approved _____, 2016

TERRY E. BRANSTAD
Governor