

House File 2420 - Introduced

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BY COMMITTEE ON PUBLIC SAFETY

(SUCCESSOR TO HF 376)

A BILL FOR

1 An Act relating to untested sexual abuse evidence collection
2 kits stored at law enforcement agencies.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. SEXUAL ABUSE EVIDENCE COLLECTION KIT —
2 INVENTORY.

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

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

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

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

16 d. "Sexual abuse evidence collection kit" means a sexual
17 abuse evidence collection kit that includes a human biological
18 specimen collected by a health care provider during a forensic
19 medical examination conducted pursuant to section 709.10,
20 subsection 1.

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

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

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

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

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

- 1 (1) The unique identifier for the kit.
- 2 (2) The date the crime occurred.
- 3 (3) The date of examination and forensic collection.
- 4 (4) The reason for not submitting the kit to the laboratory
- 5 for analysis:
- 6 (a) The suspect has not been identified.
- 7 (b) The existence of doubt about the truthfulness of the
- 8 victim's accusation.
- 9 (c) The case has been dismissed.
- 10 (d) The uncertainty about the usefulness of the forensic
- 11 evidence in the untested sexual abuse evidence collection kit.
- 12 (e) The suspect has been identified but not formally
- 13 charged.
- 14 (f) Insufficient funds for testing the sexual abuse
- 15 evidence collection kit.
- 16 (g) The victim did not file charges.
- 17 (h) Whether consent was an issue in the case.
- 18 (i) Perceived laboratory guidelines.
- 19 (j) Other reasons.
- 20 d. (1) In the inventory of your agency, how many untested
- 21 sexual abuse evidence collection kits contain collected
- 22 forensic evidence that have not been sent to a laboratory?
- 23 (2) In the inventory of your agency, how many untested
- 24 sexual abuse evidence collection kits are held for which the
- 25 crime was not reported to law enforcement, but the kit was
- 26 still delivered to your law enforcement agency for storage?
- 27 e. Under what circumstances is an untested sexual abuse
- 28 evidence collection kit destroyed or disposed of by the agency?
- 29 3. The law enforcement agency shall submit the answers to
- 30 the survey to the department of justice by January 1, 2017.
- 31 If a law enforcement agency does not possess any untested
- 32 sexual abuse evidence collection kits, the agency shall provide
- 33 written confirmation of such a fact to the department of
- 34 justice by January 1, 2017.
- 35 4. a. The department of justice shall compile the results

1 of the survey and submit a written report to the general
2 assembly no later than March 15, 2017, detailing the results
3 of the survey.

4 b. The report shall also include the name and contact
5 information of each law enforcement agency that failed to
6 submit answers to the survey as required by subsection 3.

7 Sec. 2. IMPLEMENTATION OF ACT. Section 25B.2, subsection
8 3, shall not apply to this Act.

9 EXPLANATION

10 The inclusion of this explanation does not constitute agreement with
11 the explanation's substance by the members of the general assembly.

12 This bill relates to untested sexual abuse evidence
13 collection kits stored at law enforcement agencies.

14 The bill requires the department of justice to conduct
15 a survey of law enforcement agencies charged with the
16 maintenance, storage, or preservation of untested sexual
17 abuse evidence collection kits. The bill specifies numerous
18 requirements and questions that are to be a part of the survey
19 sent to law enforcement agencies.

20 The bill requires a law enforcement agency to submit the
21 answers to the survey to the department of justice by January
22 1, 2017. If a law enforcement agency does not possess any
23 untested sexual abuse evidence collection kits, the agency
24 shall provide written confirmation of such a fact to the
25 department of justice by January 1, 2017.

26 The bill requires the department of justice to compile
27 the results of the survey and submit a written report to
28 the general assembly no later than March 15, 2017, detailing
29 the results of the survey. The bill requires the report to
30 also include the name and contact information of each law
31 enforcement agency that failed to submit answers to the survey.

32 The bill defines a "law enforcement agency" to mean any
33 governmental agency that investigates persons suspected of
34 or charged with a sex abuse crime, including any such agency
35 that collects, stores, processes, transmits, or disseminates

1 analysis of evidence collected in a sexual abuse crime.

2 The bill may include a state mandate as defined in Code
3 section 25B.3. The bill makes inapplicable Code section 25B.2,
4 subsection 3, which would relieve a political subdivision from
5 complying with a state mandate if funding for the cost of
6 the state mandate is not provided or specified. Therefore,
7 political subdivisions are required to comply with any state
8 mandate included in the bill.