

File Number: H.F. 3017
Version: As introduced

Date: March 6, 2018

Authors: O'Neill and others

Subject: Procedures for handling sexual assault examination kits

Analyst: Jeff Diebel

This publication can be made available in alternative formats upon request. Please call 651-296-6753 (voice); or the Minnesota State Relay Service at 1-800-627-3529 (TTY) for assistance. Summaries are also available on our website at: www.house.mn/hrd/.

Overview

This bill establishes procedures for handling sexual assault examination kits.

Section

- 1 **Contents of notice.** Requires hospitals to notify victims of sexual assault of their right to obtain status information about unrestricted sexual assault examination kits.
- 2 **Sexual assault examination kit handling.**
 - Subd. 1. Definitions.** Defines terms used in this section.
 - Subd. 2. Transfer of unrestricted sexual assault examination kit from health care professional to law enforcement agency.** Requires law enforcement to retrieve an unrestricted sexual assault examination kit from a health care professional within 10 days of receiving written notice.
 - Subd. 3. Submission of unrestricted sexual assault examination kit.** Within 60 days of receiving an unrestricted sexual assault examination kit, law enforcement must submit the kit for testing, unless the agency determines the kit adds no evidentiary value to the case.
 - Subd. 4. Retention of restricted sexual assault examination kit.** Requires law enforcement to keep a kit that is not tested for at least 18 months.
 - Subd. 5. No basis for dismissal or bar to admissibility of evidence.** Declares that compliance with the deadlines in this section does not impact the admissibility of the evidence.

Section

3 Victim rights to sexual assault evidence information.

Subd. 1. Access to law enforcement data. Establishes the specific data related to sexual assault examination kits that the victim is entitled to receive from law enforcement.

Subd. 2. Responding to a victim request for data. Requires law enforcement agencies to develop and adopt policies to govern the process of responding to victim requests for data under subdivision 1.