

**SB 1574 A STAFF MEASURE SUMMARY**

**Carrier:** Rep. Prusak, Rep. Noble

**House Committee On Judiciary**

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**Action Date:** 02/22/22

**Action:** Do Pass the A-Eng bill.

**Vote:** 9-0-1-0

**Yeas:** 9 - Dexter, Helm, Kropf, Lewis, Morgan, Noble, Power, Wallan, Wilde

**Exc:** 1 - Bynum

**Fiscal:** No fiscal impact

**Revenue:** No revenue impact

**Prepared By:** Patricia Pascone, LPRO Analyst

**Meeting Dates:** 2/22

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**WHAT THE MEASURE DOES:**

Modifies definition of "sexual assault forensic evidence kit" to add medical-forensic examination form, including exam history and documentation of injury and evidence collection, if the victim authorizes inclusion in the kit.

**ISSUES DISCUSSED:**

- Victim control of records
- Health record privacy
- Use of documentation in prosecutions
- Refreshing memory with documents

**EFFECT OF AMENDMENT:**

No amendment.

**BACKGROUND:**

A victim of sexual assault who receives an assessment at a medical facility provides information to the examiner regarding the incident and relevant events before and after the assault. The medical examiner documents the information, documents injuries, and collects forensic evidence for testing. After the medical assessment, the medical facility sends the forensic evidence kit to the Department of State Police. The victim can choose to remain anonymous and the kit will be stored. The kit will be tested at any time the victim chooses to participate in the creation of a report with law enforcement. The law requires preservation of all sexual assault forensic evidence kits for 60 years. The medical examiner's notes and documentation are not explicitly required to be part of the forensic evidence kit, and might not be preserved as a result. Medical facilities have their own document retention policies and are not subject to the preservation period for sexual assault forensic evidence kits. Medical assessment documentation may be unavailable to assist a victim or medical examiner with recollection during prosecution, or to assist a victim who later chooses to make a report.

Senate Bill 1574 A modifies the definition of "sexual assault forensic evidence kit" to include the medical-forensic examination form and documentation, if the victim authorizes the inclusion.