

HOUSE No. 4659

Text of a further amendment, offered by Mr. Speliotis of Danvers, to the Senate amendments of the House Bill relative to preservation of evidence for victims of rape and sexual assault (House, No. 4364). September 29, 2016.

The Commonwealth of Massachusetts

In the One Hundred and Eighty-Ninth General Court
(2015-2016)

By striking out all after the enacting clause and inserting in place thereof the following:—

1 “SECTION 1. Section 97B of chapter 41, as appearing in the 2014 Official Edition, is
2 hereby amended by striking out the third paragraph and inserting in place thereof the following 3
3 paragraphs:-

4 At the time the evidence is obtained, a hospital licensed pursuant to chapter 111 shall
5 inform a victim of rape or sexual assault that the evidence of rape or sexual assault preserved in
6 said kit shall be kept for a period of at least 15 years. This notice shall be provided to the victim
7 in writing by the hospital.

8 A governmental entity, including a local law enforcement agency, a district attorney’s
9 office or any other official body of the commonwealth or of a county, city or town, that is in
10 possession of forensic evidence, as defined in section 220 of chapter 111, that is collected for its
11 potential evidentiary value during the investigation of a rape or sexual assault shall retain such
12 forensic evidence for the length of the statute of limitations for the identified crime, in no case
13 less than 15 years, whether or not that crime has been charged. Each governmental entity shall

14 retain all such forensic evidence in a manner that is reasonably designed to preserve the forensic
15 evidence and to prevent its destruction or deterioration.

16 The director of the crime laboratory within the department of state police and the forensic
17 sciences advisory board established by section 184A of chapter 6, shall promulgate regulations
18 governing the retention and preservation of forensic evidence by a governmental entity. The
19 regulations shall include: (i) standards for maintaining the integrity of the materials over time;
20 (ii) the designation of officials at each governmental entity with custodial responsibility; and (iii)
21 requirements for contemporaneously recorded documentation of individuals having and
22 obtaining custody of any forensic evidence.

23 SECTION 2. The director of the crime laboratory within the department of state police
24 shall report on the feasibility of and the requirements for establishing a single location or
25 multiple regional locations for the retention and preservation of all forensic evidence collected in
26 the commonwealth. The report and any recommendations shall be filed with the clerks of the
27 senate and the house of representatives, the chairs of the joint committee on the judiciary and the
28 chairs of the house and the senate committees on ways and means not later than January 1, 2018.

29 SECTION 3. This act shall apply to all forensic evidence collected and retained for its
30 potential evidentiary value in the investigation of a rape or sexual assault, including any such
31 forensic evidence collected and retained before the effective date of this act. Nothing in this act
32 is intended to amend, modify or render ineffective the provisions of section 16 of chapter 278A
33 of the General Laws.”