

**HOUSE . . . . . No. 3614**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Carmine L. Gentile and Natalie Higgins***

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to the tracking and testing of sexual assault kits.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Carmine L. Gentile</i>	<i>13th Middlesex</i>	<i>1/18/2017</i>
<i>Natalie Higgins</i>	<i>4th Worcester</i>	<i>1/25/2017</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>	<i>12/27/2017</i>
<i>Carole A. Fiola</i>	<i>6th Bristol</i>	<i>4/5/2017</i>
<i>Christine P. Barber</i>	<i>34th Middlesex</i>	<i>4/5/2017</i>
<i>Colleen M. Garry</i>	<i>36th Middlesex</i>	<i>4/5/2017</i>
<i>Linda Dean Campbell</i>	<i>15th Essex</i>	<i>4/11/2017</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>	<i>12/27/2017</i>
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>	<i>12/27/2017</i>
<i>David M. Rogers</i>	<i>24th Middlesex</i>	<i>12/27/2017</i>
<i>Steven Ultrino</i>	<i>33rd Middlesex</i>	<i>12/27/2017</i>
<i>Solomon Goldstein-Rose</i>	<i>3rd Hampshire</i>	<i>12/27/2017</i>
<i>Dylan Fernandes</i>	<i>Barnstable, Dukes and Nantucket</i>	<i>12/27/2017</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>	<i>4/9/2017</i>
<i>Ruth B. Balsler</i>	<i>12th Middlesex</i>	<i>4/11/2017</i>
<i>Kate D. Campanale</i>	<i>17th Worcester</i>	<i>4/11/2017</i>
<i>Mike Connolly</i>	<i>26th Middlesex</i>	<i>4/11/2017</i>
<i>William L. Crocker, Jr.</i>	<i>2nd Barnstable</i>	<i>4/5/2017</i>

<i>Julian Cyr</i>	<i>Cape and Islands</i>	<i>4/5/2017</i>
<i>James J. Dwyer</i>	<i>30th Middlesex</i>	<i>4/5/2017</i>
<i>Denise C. Garlick</i>	<i>13th Norfolk</i>	<i>4/11/2017</i>
<i>Carlos González</i>	<i>10th Hampden</i>	<i>4/6/2017</i>
<i>Bradley H. Jones, Jr.</i>	<i>20th Middlesex</i>	<i>4/11/2017</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>4/11/2017</i>
<i>Peter V. Kocot</i>	<i>1st Hampshire</i>	<i>4/5/2017</i>
<i>Jack Lewis</i>	<i>7th Middlesex</i>	<i>4/10/2017</i>
<i>Joan B. Lovely</i>	<i>Second Essex</i>	<i>4/11/2017</i>
<i>Shaunna L. O'Connell</i>	<i>3rd Bristol</i>	<i>4/11/2017</i>
<i>Elizabeth A. Poirier</i>	<i>14th Bristol</i>	<i>4/11/2017</i>
<i>Todd M. Smola</i>	<i>1st Hampden</i>	<i>4/5/2017</i>
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>	<i>4/11/2017</i>
<i>Aaron Vega</i>	<i>5th Hampden</i>	<i>4/5/2017</i>
<i>Chris Walsh</i>	<i>6th Middlesex</i>	<i>4/6/2017</i>
<i>Timothy R. Whelan</i>	<i>1st Barnstable</i>	<i>4/5/2017</i>

**HOUSE . . . . . No. 3614**

By Representatives Gentile of Sudbury and Higgins of Leominster, a petition (accompanied by bill, House, No. 3614) of Carmine L. Gentile, Natalie Higgins and others relative to the tracking and testing of sexual assault kits. Public Safety and Homeland Security.

**The Commonwealth of Massachusetts**

**In the One Hundred and Ninetieth General Court  
(2017-2018)**

An Act relative to the tracking and testing of sexual assault kits.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 Chapter 6A of the General Laws is hereby amended by inserting after section 18V the  
2 following section:-

3 Section 18X. (a) There shall be within the executive office of public safety and security a  
4 statewide sexual assault kit tracking system. The secretary of public safety and security,  
5 hereinafter referred to as the secretary, may contract with state or non-state entities including, but  
6 not limited to, private software and technology providers, for the creation, operation, and  
7 maintenance of the system. For the purposes of this section, a sexual assault kit shall include the  
8 standardized kit for the collection and preservation of evidence in sexual assault or rape cases as  
9 designed by the municipal police training committee pursuant to section 97B of chapter 41.

10 (b) The statewide sexual assault kit tracking system shall:

11 (i) track the location and status of sexual assault kits throughout the criminal justice  
12 process, including; (1) the initial collection in examinations performed at hospitals or medical

13 facilities, (2) receipt and storage at a governmental entity, including a local law enforcement  
14 agency, the department of state police, a district attorney's office or any other official body of the  
15 commonwealth or of a county, city or town, (3) a hospital or medical facility that is in possession  
16 of forensic evidence pursuant to said section 97B, (4) receipt and analysis at forensic  
17 laboratories, and (5) storage and any destruction after completion of analysis;

18 (ii) allow hospitals or medical facilities performing sexual assault forensic examinations,  
19 law enforcement agencies, prosecutors, the crime laboratory within the department of state  
20 police, and other entities in the custody of sexual assault kits to update and track the status and  
21 location of sexual assault kits;

22 (iii) allow victims of sexual assault to anonymously track or receive updates regarding  
23 the status of their sexual assault kits; and

24 (iv) use electronic technology or technologies allowing continuous access.

25 (c) The secretary may use a phased implementation process in order to launch the system  
26 and facilitate entry and use of the system for required participants. The secretary may phase  
27 initial participation according to region, volume or other appropriate classifications. All entities  
28 in the custody of sexual assault kits shall fully participate in the system no later than June 30,  
29 2019.

30 (d) The secretary shall submit a report on the current status and plan for launching the  
31 system, including the plan for phased implementation, to the general court's joint committee on  
32 the judiciary, and the governor no later than January 1, 2018.

33 (e) The secretary shall submit a semiannual report on the statewide sexual assault kit  
34 tracking system to the joint committee on judiciary. The secretary may publish the current report  
35 on its web site. The first report is due June 30, 2019, and subsequent reports are due on or before  
36 January 31 and July 31 of each year. The report shall include the following:

37 (1) the total number of sexual assault kits in the system statewide and by jurisdiction;

38 (2) the total and semiannual number of sexual assault kits where forensic analysis has  
39 been completed statewide and by jurisdiction;

40 (3) the number of sexual assault kits added to the system in the reporting period statewide  
41 and by jurisdiction;

42 (4) the total and semiannual number of sexual assault kits where forensic analysis has  
43 been requested but not completed statewide and by jurisdiction;

44 (5) the average and median length of time for sexual assault kits to be submitted for  
45 forensic analysis after being added to the system, including separate sets of data for all sexual  
46 assault kits in the system statewide and by jurisdiction and for sexual assault kits added to the  
47 system in the reporting period statewide and by jurisdiction;

48 (6) the average and median length of time for forensic analysis to be completed on sexual  
49 assault kits after being submitted for analysis, including separate sets of data for all sexual  
50 assault kits in the system statewide and by jurisdiction and for sexual assault kits added to the  
51 system in the reporting period statewide and by jurisdiction;

52 (7) the total and semiannual number of sexual assault kits destroyed or removed from the  
53 system statewide and by jurisdiction;

54 (8) the total number of sexual assault kits, statewide and by jurisdiction, where forensic  
55 analysis has not been completed and 6 months or more have passed since those sexual assault  
56 kits were added to the system;

57 (9) the total number of sexual assault kits, statewide and by jurisdiction, where forensic  
58 analysis has not been completed and 1 year or more has passed since those sexual assault kits  
59 were added to the system;

60 (10) the total number of sexual assault kits, statewide and by jurisdiction, retained for the  
61 length of the statute of limitations for the identified crime, such crime being identified in the  
62 report, whether or not that crime has been charged; and

63 (11) the total number of sexual assault kits, statewide and by jurisdiction retained for 15  
64 years or more pursuant to section 97B of chapter 41.

65 (f) For the purpose of reports under subsection (e) of this section, a sexual assault kit  
66 shall be assigned to the jurisdiction associated with the law enforcement agency anticipated to  
67 receive the sexual assault kit or otherwise in the custody of the sexual assault kit.

68 (g) Any public agency or entity, including its officials and employees, and any hospital  
69 and its employees providing services to victims of sexual assault may not be held civilly liable  
70 for damages arising from any release of information or the failure to release information related  
71 to the statewide sexual assault kit tracking system, so long as the release was without gross  
72 negligence.

73 (h) Local law enforcement agencies shall participate in the statewide sexual assault kit  
74 tracking system established in this section for the purpose of tracking the status of all sexual

75 assault kits in the custody of local law enforcement agencies and other entities contracting with  
76 local law enforcement agencies. Local law enforcement agencies shall begin full participation in  
77 the system according to the implementation schedule established by the secretary.

78 (i) The director of the crime laboratory within the department of state police shall  
79 participate in the statewide sexual assault kit tracking system established in this section for the  
80 purpose of tracking the status of all sexual assault kits in the custody of the department of state  
81 police and other entities contracting with the department of state police. The department of state  
82 police shall begin full participation in the system according to the implementation schedule  
83 established by the secretary.

84 (j) A hospital or medical facility licensed pursuant to chapter 111 shall participate in the  
85 statewide sexual assault kit tracking system established in this section for the purpose of tracking  
86 the status of all sexual assault kits collected by or in the custody of hospitals and other entities  
87 contracting with hospitals. Hospitals shall begin full participation in the system according to the  
88 implementation schedule established by the secretary.