

HOUSE No. 1701

The Commonwealth of Massachusetts

PRESENTED BY:

Bradley H. Jones, Jr. and Natalie M. 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 sexual assault evidence kits.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | DATE ADDED: |
|-------------------------------|--------------------------------|------------------|
| <i>Bradley H. Jones, Jr.</i> | <i>20th Middlesex</i> | <i>2/19/2021</i> |
| <i>Natalie M. Higgins</i> | <i>4th Worcester</i> | <i>2/19/2021</i> |
| <i>Thomas A. Golden, Jr.</i> | <i>16th Middlesex</i> | <i>2/25/2021</i> |
| <i>Christopher Hendricks</i> | <i>11th Bristol</i> | <i>2/25/2021</i> |
| <i>Lindsay N. Sabadosa</i> | <i>1st Hampshire</i> | <i>2/25/2021</i> |
| <i>Jessica Ann Giannino</i> | <i>16th Suffolk</i> | <i>2/25/2021</i> |
| <i>Kate Lipper-Garabedian</i> | <i>32nd Middlesex</i> | <i>2/26/2021</i> |
| <i>Susan L. Moran</i> | <i>Plymouth and Barnstable</i> | <i>2/26/2021</i> |
| <i>Sally P. Kerans</i> | <i>13th Essex</i> | <i>2/26/2021</i> |
| <i>Antonio F. D. Cabral</i> | <i>13th Bristol</i> | <i>2/26/2021</i> |
| <i>Angelo L. D'Emilia</i> | <i>8th Plymouth</i> | <i>2/26/2021</i> |
| <i>Christine P. Barber</i> | <i>34th Middlesex</i> | <i>3/15/2021</i> |
| <i>Hannah Kane</i> | <i>11th Worcester</i> | <i>3/15/2021</i> |
| <i>Mathew J. Muratore</i> | <i>1st Plymouth</i> | <i>3/21/2021</i> |
| <i>Steven S. Howitt</i> | <i>4th Bristol</i> | <i>4/7/2021</i> |

HOUSE No. 1701

By Representatives Jones of North Reading and Higgins of Leominster, a petition (accompanied by bill, House, No. 1701) of Bradley H. Jones, Jr., Natalie M. Higgins and others relative to the testing of sexual assault evidence kits. The Judiciary.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act relative to sexual assault evidence kits.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to ensure the timely testing of sexual assault evidence kits in the Commonwealth, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public safety.

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

1 SECTION 1. Chapter 69 of the acts of 2018 is hereby amended by striking section 214 in
2 its entirety.

3 SECTION 2. Notwithstanding any special or general law to the contrary, within 180 days
4 of the effective date of this act, all previously untested investigatory sexual assault evidence kits
5 containing forensic samples collected during a medical forensic exam in medical facilities or
6 other facilities that collect kits, shall be submitted to law enforcement. Non-investigatory kits
7 shall be safely stored by a governmental entity in a manner that preserves evidence for the
8 duration of the statute of limitations. Non-investigatory kits shall not be transferred to the crime
9 laboratory. Within 180 days of enactment, each law enforcement agency and each crime

10 laboratory shall count and report to the executive office of public safety and security all untested
11 kits in their possession. Law enforcement agencies shall submit all previously untested
12 investigatory sexual assault evidence kits, including those past the statute of limitations, to the
13 crime laboratory within the department of the state police or such crime laboratory operated by a
14 police department of a municipality with a population of more than 150,000. The crime
15 laboratory within the department of the state police or an accredited private crime laboratory
16 designated by the secretary of public safety and security shall test all previously untested
17 investigatory sexual assault kits within 180 days of receipt from local law enforcement. Public
18 crime labs shall also test all previously untested kits in their possession prior to this act, within
19 180 days. In cases where testing results in a DNA profile, the crime laboratory shall enter the full
20 profile into CODIS and the state DNA database. The crime labs, in conjunction with the
21 executive office of public safety and security, shall create a report, made publicly available by
22 January 1, 2022, that includes the total number of untested investigatory kits the labs received
23 from each law enforcement agency as a product of this act, the number of untested kits the lab
24 had in its possession prior to this act, and the year each kit was collected. For the purposes of this
25 section, “previously untested investigatory sexual assault evidence kits” shall mean any sexual
26 assault evidence kit or other evidence collected along with such kit that has not yet been through
27 forensic testing with the goal of autosomal DNA profiles.