



HOUSE BILL 29: Standing Up for Rape Victims Act of 2019.

2019-2020 General Assembly

Committee:		Date:	January 7, 2020
Introduced by:		Prepared by:	Shawn Middlebrooks Staff Attorney
Analysis of:	S.L. 2019-221		

OVERVIEW: *S.L. 2019-221 establishes processes and protocols for testing untested sexual assault kits, requires a law enforcement agency to notify the North Carolina State Crime Lab (Crime Lab) of an arrest or conviction resulting from a hit in the Combined DNA Index System (CODIS), and appropriates funds to the Department of Justice to cover costs associated with implementing this act.*

This act became effective September 18, 2019.

BILL ANALYSIS: S.L. 2019-221 does the following:

Section 1 sets the title for the act.

Section 2 does the following:

- Requires a "collecting agency" to notify the appropriate law enforcement agency within 24 hours after DNA has been collected for a kit completed on or after July 1, 2019.
- Requires a law enforcement agency to take custody of a kit from a collecting agency within 7 days of notification, and submit "reported" kits to the Crime Lab and "unreported" kits to the Department of Public Safety (DPS), within 45 days of taking custody.
- Authorizes each law enforcement agency with kits completed on or before January 1, 2018, to create a "review team" to conduct a review of untested kits and prioritize those kits for testing.
- Clarifies the types of kits that are not eligible for testing under this section.
- Requires the Crime Lab to notify a law enforcement agency as soon as practicable of its decision to test a previously untested kit and provide shipment information.
- Requires the Crime Lab to test approved kits and enter the results into certain databases.
- Limits certain judicial challenges arising from a lack of compliance with this section.
- Authorizes various public and private stakeholders to develop response and training programs for law enforcement agency review teams regarding sexual assault investigations.

Section 3 requires a law enforcement agency to notify the Crime Lab of any arrest or conviction resulting from a CODIS hit, within 15 days of the arrest or conviction.

Section 4 requires the Crime Lab to provide a report to the Joint Legislative Oversight Committee on Justice and Public Safety by March 1, 2020, on the use of funds appropriated to implement the provisions of the act.

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Section 5 appropriates \$6 million total in nonrecurring funds over the 2019-2021 fiscal biennium (\$3 million in the 2019-2020 fiscal year and \$3 million in the 2020-2021 fiscal year) to the Department of Justice to assist with the testing of sexual assault kits in accordance with the provisions of the act.

Section 6 authorizes the use of departmental receipts to implement the act.

Section 7 repeals duplicative language contained in Section 17.2 of HB 966 of the 2019 Regular Session (2019 Appropriations Act).

Section 8 clarifies the applicability to this act of G.S. 143C-5-4 and HB 966 of the 2019 Regular Session, should HB 966 become law.

EFFECTIVE DATE: The act became effective September 18, 2019, and applies to CODIS hits received on or after that date.