



This Bill Analysis reflects the contents of the bill as it was presented in committee.

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

2019-2020 General Assembly

Committee:	Senate Appropriations/Base Budget.	If Date:	September 9, 2019
	favorable, re-fer to Rules and Operations of the Senate		
Introduced by:	Reps. Boles, Belk, C. Smith, Richardson	Prepared by:	Luke Gillenwater
Analysis of:	PCS to Second Edition H29-CSMCA-14		Committee Counsel

OVERVIEW: *The Proposed Committee Substitute (PCS) to House Bill 29 would establish processes and protocols for testing untested sexual assault kits, require 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.*

BILL ANALYSIS: The PCS to House Bill 29 does the following:

Section 1 of the PCS sets the title for the act.

Section 2 of the PCS creates a new statute that would:

- Require 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.
- Require 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 DPS, within 45 days of taking custody.
- Authorize 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.
- Clarify the types of kits that are not eligible for testing under this section.
- Require the Crime Lab to notify a law enforcement agency as soon as practicable of its approval to test a previously untested kit and provide shipment information.
- Require the Crime Lab to test approved kits and enter the results into certain databases.
- Limit certain judicial challenges arising from a lack of compliance with this section.
- Authorize various public and private stakeholders to develop response and training programs for law enforcement agency review teams regarding sexual assault investigations.

Section 3 of the PCS 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 of the PCS requires the State 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 of the PCS appropriates \$6,000,000 total in nonrecurring funds over the 2019-2021 fiscal biennium (\$3,000,000 in the 2019-2020 fiscal year and \$3,000,000 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 of the PCS authorizes the use of departmental receipts to implement the bill

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

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

EFFECTIVE DATE: The act is effective when it becomes law and applies to CODIS hits received on or after that date.

Shawn Middlebrooks, counsel to the House Judiciary Committee, substantially contributed to this summary.