



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

SENATE BILL 46: Standing Up for Rape Victims Act of 2019.

2019-2020 General Assembly

Committee:	Senate Judiciary. If favorable, re-refer to Rules and Operations of the Senate. If favorable, re-refer to Appropriations/Base Budget. If favorable, re-refer to Rules and Operations of the Senate	Date:	March 20, 2019
Introduced by:	Sens. Daniel, Britt, McKissick	Prepared by:	Shawn Middlebrooks Staff Attorney
Analysis of:	First Edition		

OVERVIEW: Senate Bill 46 would establish processes and protocols for testing untested sexual assault kits, require each law enforcement agency to notify the North Carolina State Crime Lab (Crime Lab) of any arrest or conviction resulting from a hit in the Combined DNA Index System (CODIS), and appropriate funds to the Department of Justice (DOJ) for purposes of testing untested kits.

BACKGROUND AND CURRENT LAW: In 2017, local law enforcement agencies were directed to conduct an inventory of all Sexual Assault Evidence Collection Kits (SAECKs) in their custody and report their findings to DOJ and the Crime Lab. Session Law 2017-57, s. 17.7. A report published by the Crime Lab found that there were 15,160 untested kits in North Carolina.¹

The Statewide Sexual Assault Evidence Collection Kit Tracking System (System) is established within the Crime Lab. The Director of the Crime Lab is authorized to implement protocols for the operation of the System and to track all previously untested kits. The Secretary of the Department of Public Safety (DPS) is authorized to adopt rules and guidelines for agencies required to participate in the System. G.S. 114-65.

BILL ANALYSIS:

Part II of Senate Bill 46 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.

¹ 2017 Sexual Assault Evidence Collection Kit Law Enforcement Inventory Report (March 1, 2018), <http://www.ncdoj.gov/News-and-Alerts/News-Releases-and-Advisories/Attorney-General-Josh-Stein-Announces-Results-of-S.aspx>.

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- 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.

Part III of Senate Bill 46 would require 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.

Part IV of Senate Bill 46 would appropriate \$3,000,000.00, nonrecurring funds, from the General Fund to DOJ for FY 2019-2021 to assist with testing untested sexual assault kits, and \$800,000.00, recurring funds, from the General Fund to DOJ for FY 2019-2020 to create 6 full-time forensic scientist positions for the purpose of testing sexual assault kits. This part would be effective July 1, 2019.

EFFECTIVE DATE: Except as otherwise provided, this bill would be effective when it becomes law.