

SENATE BILL 2388

By Robinson

AN ACT to amend Tennessee Code Annotated, Title 38, Chapter 6 and Title 39, relative to sexual assault evidence.

WHEREAS, this General Assembly finds that the preservation and testing of sexual assault evidence collection kits are important to public safety; and

WHEREAS, timely testing is vital to solve cases, punish offenders, bring justice to victims, and prevent future crimes; and

WHEREAS, it is the intent of this General Assembly that every sexual assault evidence collection kit in Tennessee be tested and that sexual assault victims deserve no less; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 38, Chapter 6, Part 1, is amended by adding the following language as a new section:

(a) As used in this section, "forensic medical examination", "hold kit", "law enforcement agency", "sexual assault evidence collection kit", and "victim" have the same meaning as defined in § 39-13-519.

(b) The Tennessee bureau of investigation shall develop and implement an electronic system that tracks the location and laboratory analysis status of each sexual assault evidence collection kit released to a law enforcement agency at the conclusion of a forensic medical examination on and after July 1, 2021.

(c) The system must have the capacity to allow a victim to track by internet the location and status of the victim's sexual assault evidence collection kit by use of a tracking number provided to the victim by the law enforcement agency receiving the

sexual assault evidence collection kit after the conclusion of the forensic medical examination. At any time, the victim must be able to use the tracking number by inputting it into an online system to determine the current location and laboratory analysis status of the victim's sexual assault evidence collection kit.

(d) The Tennessee bureau of investigation shall create a written pamphlet explaining how to access and use the tracking system and the victim's right to receive a copy of the forensic analysis report. The law enforcement agency described in subsection (c) shall provide the pamphlet to the victim with the tracking number.

(e) Beginning February 1, 2022, and no later than February 1 of each year thereafter, the Tennessee bureau of investigation shall prepare and transmit an annual report to the judiciary committee of the senate and the judiciary committee of the house of representatives containing the number of sexual assault evidence collection kits assigned a tracking number, the number of sexual assault evidence collection kits for which forensic testing was completed, the average number of days from assignment of a tracking number to completion of forensic testing, and the number of hold kits received by law enforcement agencies in this state.

SECTION 2. Tennessee Code Annotated, Section 39-13-519, is amended by adding the following language as a new subsection (e):

(e)

(1) At the time the sexual assault evidence collection kit is released to the law enforcement agency by a healthcare provider, the law enforcement agency must provide the victim with a tracking number for the sexual assault evidence collection kit, and a copy of a pamphlet created by the Tennessee bureau of investigation explaining how to access and use the tracking system and the victim's right to receive a copy of the forensic analysis report of the victim's sexual assault evidence collection kit generated by the Tennessee bureau of investigation or similar qualified laboratory.

(2) Upon receipt of DNA data analysis results from the Tennessee bureau of investigation pursuant to § 38-6-113(d) or similar qualified laboratory, the law enforcement agency must, within a reasonable time, notify the victim of a databank match, if any, and provide the victim with a copy of the complete forensic analysis report of the victim's sexual assault evidence collection kit generated by the Tennessee bureau of investigation or similar qualified laboratory, unless disclosure of the information would impede or compromise the investigation. If disclosure of the information would impede or compromise the investigation, the law enforcement agency must provide a copy of the complete forensic analysis report to the victim upon conclusion of the investigation.

SECTION 3. Section 1 of this act shall take effect upon becoming a law, the public welfare requiring it. All other provisions of this act shall take effect July 1, 2021, the public welfare requiring it.