

By Senator Book

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1 A bill to be entitled
2 An act relating to survivors of sexual offenses;
3 providing a short title; creating s. 960.0013, F.S.;
4 defining terms; providing for the attachment and
5 duration of survivor rights; providing that a survivor
6 has the right to consult with a sexual assault
7 counselor during certain examinations and have such
8 counselor present during certain interviews; providing
9 for confidentiality of certain communications between
10 the survivor and such counselor; prohibiting a medical
11 provider from charging a survivor for certain incurred
12 costs; requiring a medical provider to inform a
13 survivor of specified information before commencing a
14 certain medical examination; requiring a law
15 enforcement officer, prosecutor, or defense attorney
16 to inform a survivor of specified rights before
17 commencing an interview; prohibiting a law enforcement
18 officer, prosecutor, or defense attorney from
19 discouraging a survivor from receiving a certain
20 medical exam; providing that a survivor has the right
21 to have counsel present and the right to prompt
22 analysis of a sexual offense evidence kit; requiring a
23 medical provider to notify the appropriate law
24 enforcement agency within a certain time after
25 collecting such kit; requiring the law enforcement
26 agency to take specified actions after taking
27 possession of such kit from the medical provider and
28 to provide certain information to the survivor;
29 providing requirements and periods of retention for a

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30 crime laboratory; prohibiting the use of such kit
31 under certain circumstances; providing requirements
32 for law enforcement officers and medical providers
33 upon initial contact with a survivor; requiring law
34 enforcement officers and prosecutors to provide
35 certain information to a survivor upon his or her
36 written request; creating a cause of action;
37 authorizing the Attorney General to bring an action
38 for injunctive relief; providing a defense to such
39 actions; authorizing a person to bring an action for
40 injunctive relief or damages, or both; requiring the
41 Attorney General, in consultation with the Department
42 of Law Enforcement and by a certain date, to establish
43 a system for tracking such kits; providing reporting
44 requirements for law enforcement agencies and
45 departments tasked with the collection, maintenance,
46 storage, or preservation of such kits; providing
47 reporting requirements for the Auditor General;
48 providing annual reporting requirements for the
49 Department of Law Enforcement, the Department of
50 Health, and the Auditor General; amending s. 943.326,
51 F.S.; conforming provisions to changes made by the
52 act; providing an effective date.

53
54 Be It Enacted by the Legislature of the State of Florida:

55
56 Section 1. This act may be cited as the "Sexual Assault
57 Survivors' Bill of Rights."

58 Section 2. Section 960.0013, Florida Statutes, is created

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59 to read:

60 960.0013 Sexual assault survivors' rights.-

61 (1) DEFINITIONS.-As used in this section, the term:

62 (a) "Crime laboratory" means the statewide criminal
63 analysis laboratory system established in s. 943.32.

64 (b) "Law enforcement officer" has the same meaning as in s.
65 943.10 and includes any person employed by the Department of Law
66 Enforcement and any person employed by a private security
67 service at an educational institution.

68 (c) "Medical provider" means any qualified health care
69 professional, a hospital, another facility that provides
70 emergency medical services, or a facility that conducts a
71 medical evidentiary or forensic physical examination of a
72 survivor.

73 (d) "Sexual assault counselor" has the same meaning as in
74 s. 90.5035(1)(b) and includes a victim advocate working in a
75 rape crisis center as defined in s. 794.055(2)(d).

76 (e) "Sexual assault survivor" or "survivor" means a victim
77 of sexual battery as that term is defined in s. 794.011(1).

78 (f) "Sexual offense evidence kit" means any human
79 biological specimen collected by a medical provider during a
80 forensic physical examination from an alleged survivor,
81 including, but not limited to, a toxicology kit.

82 (2) ATTACHMENT AND DURATION OF RIGHTS.-

83 (a) The rights provided to survivors in this section attach
84 whenever a survivor is subject to a medical evidentiary or
85 forensic physical examination, as provided in s. 943.326, and
86 during any interview conducted by a law enforcement officer,
87 prosecutor, or defense attorney.

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88 (b) A survivor retains all rights under this section at all
89 times regardless of whether the survivor agrees to participate
90 in the legal or criminal justice systems or consents to a
91 medical evidentiary or forensic physical examination to collect
92 a sexual offense evidence kit.

93 (3) RIGHT TO SEXUAL ASSAULT COUNSELOR AND SUPPORT PERSON;
94 CONFIDENTIALITY.-

95 (a) A survivor has the right to consult with a sexual
96 assault counselor during a medical evidentiary or forensic
97 physical examination, as provided in s. 943.326, and the right
98 to have a support person of the survivor's choosing present
99 during such examination.

100 (b) A survivor has the right to have a sexual assault
101 counselor present at all times during any interview conducted by
102 a law enforcement officer, prosecutor, or defense attorney.

103 (c)1. Communications between a survivor and a sexual
104 assault counselor are confidential and privileged, including
105 information disclosed in the presence of any third persons
106 during a medical evidentiary or forensic physical examination,
107 or during any interview conducted by a law enforcement officer,
108 prosecutor, or defense attorney.

109 2. The presence of a sexual assault counselor does not
110 operate to defeat any existing privilege otherwise guaranteed by
111 law.

112 3. A survivor's waiver of the right to a sexual assault
113 counselor is privileged.

114 4. Notwithstanding any waiver of privilege, a survivor's
115 communications with a sexual assault counselor or waiver of the
116 right to a sexual assault counselor are not admissible into

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117 evidence for any purpose except with the consent of the
118 survivor.

119 (4) RIGHT TO EXAMINATION; COSTS; RIGHT TO SEXUAL ASSAULT
120 COUNSELOR; WRITTEN NOTICE OF RIGHTS.—

121 (a) Costs incurred by a medical provider for the medical
122 evidentiary or forensic physical examination of a survivor may
123 not be charged directly or indirectly to the survivor.

124 (b) Before a medical provider commences a medical
125 evidentiary or forensic physical examination of a survivor, the
126 medical provider shall inform the survivor of the following:

127 1. His or her right to consult with a sexual assault
128 counselor, to be summoned by the medical provider before the
129 commencement of the medical evidentiary or forensic physical
130 examination, and his or her right to have at least one support
131 person of his or her choosing present during the medical
132 evidentiary or forensic physical examination, unless a sexual
133 assault counselor or support person cannot be summoned in a
134 reasonably timely manner;

135 2. If a sexual assault counselor or support person cannot
136 be summoned in a reasonably timely manner, the ramifications of
137 delaying the medical evidentiary or forensic physical
138 examination;

139 3. His or her right to shower at no cost upon completion of
140 the medical evidentiary or forensic physical examination, unless
141 showering facilities are not available; and

142 4. His or her rights pursuant to this section and other
143 relevant law, which must be written in a document developed by
144 the Attorney General and signed by the survivor to confirm
145 receipt.

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146 (5) RIGHT TO NOTICE BEFORE INTERVIEW.-

147 (a) Before commencing an interview of a survivor, a law
148 enforcement officer, prosecutor, or defense attorney shall
149 inform the survivor of the following:

150 1. His or her rights pursuant to this section and other
151 relevant law, which must be written in a document developed by
152 the Attorney General and signed by the survivor to confirm
153 receipt;

154 2. His or her right to consult with a sexual assault
155 counselor during any interview conducted by a law enforcement
156 officer, prosecutor, or defense attorney, to be summoned by the
157 interviewer before the commencement of the interview, unless a
158 sexual assault counselor cannot be summoned in a reasonably
159 timely manner;

160 3. His or her right to have at least one support person of
161 his or her choosing present during any interview conducted by a
162 law enforcement officer, prosecutor, or defense attorney, unless
163 the law enforcement officer, prosecutor, or defense attorney
164 determines in his or her good faith professional judgment that
165 the presence of a support person would be detrimental to the
166 purpose of the interview; and

167 4. For interviews conducted by a law enforcement officer,
168 his or her right to be interviewed by a law enforcement officer
169 of the gender of his or her choosing. If such a law enforcement
170 officer is not available, his or her right to refuse such
171 interview.

172 (b) A law enforcement officer, prosecutor, or defense
173 attorney may not discourage a survivor from receiving a medical
174 evidentiary or forensic physical examination.

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175 (6) RIGHT TO COUNSEL.—A survivor retains the right to have
176 counsel present during all stages of any medical or physical
177 examination, interview, investigation, or other interaction with
178 any representative from the legal or criminal justice systems in
179 this state. Treatment of the survivor may not be affected or
180 altered in any way as a result of the survivor's decision to
181 exercise such right.

182 (7) RIGHT TO PROMPT ANALYSIS OF SEXUAL OFFENSE EVIDENCE
183 KIT.—

184 (a) A survivor has the right to the prompt analysis of a
185 sexual offense evidence kit as provided in s. 943.326. A medical
186 provider shall, upon conducting a medical evidentiary or
187 forensic physical examination to collect a sexual offense
188 evidence kit, inform the survivor that:

189 1. The sexual offense evidence kit must be transported to
190 the crime laboratory and analyzed within 90 days unless the
191 survivor requests, in writing, at any time before analysis, that
192 the crime laboratory defer analysis of the sexual offense
193 evidence kit.

194 2. The crime laboratory must retain the sexual offense
195 evidence kit for a minimum of 20 years, or until the survivor
196 reaches 40 years of age if the survivor was a minor when the
197 sexual offense occurred, before it is destroyed.

198 3. If the survivor has requested deferred analysis under
199 subparagraph 1., the survivor may request that the crime
200 laboratory analyze the sexual offense evidence kit at a later
201 date. However, such analysis must occur before the expiration of
202 the required retention period in subparagraph 2.

203 (b) A medical provider shall, within 24 hours after

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204 collecting a sexual offense evidence kit, notify the law
205 enforcement agency having jurisdiction over the alleged offense
206 of such fact.

207 (c) A law enforcement agency that receives notice under
208 paragraph (b) shall take possession of the sexual offense
209 evidence kit from the medical provider. Upon taking such
210 possession, the law enforcement agency shall:

211 1. Submit the sexual offense evidence kit to the crime
212 laboratory and assign a criminal complaint number to such kit
213 within 5 days after receipt of notice; or

214 2. If the law enforcement agency determines that it does
215 not have jurisdiction over the alleged sexual offense, notify
216 the law enforcement agency having jurisdiction over such offense
217 within 5 days after taking possession of the sexual offense
218 evidence kit. After receiving such notice, the law enforcement
219 agency having jurisdiction over such offense shall take
220 possession of the sexual offense evidence kit and submit such
221 kit to the crime laboratory within 5 days after receipt.

222 (d) Any law enforcement agency that submits a sexual
223 offense evidence kit to a crime laboratory shall, immediately
224 after such submission, notify the survivor of the name, address,
225 and telephone number of the crime laboratory and all of the
226 information specified in paragraph (a).

227 (e) A crime laboratory that receives a sexual offense
228 evidence kit on or after July 1, 2020, shall analyze such kit
229 and upload any available DNA profiles into the Federal Bureau of
230 Investigation's Combined DNA Index System (CODIS) as provided in
231 s. 943.325 within 60 days after receipt, unless the survivor
232 requests in writing that the crime laboratory defer analysis of

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233 such kit.

234 (f) The crime laboratory shall retain the sexual offense
235 evidence kit for a minimum of 20 years, or until the survivor
236 reaches 40 years of age if the survivor was a minor when the
237 sexual offense occurred, before it is destroyed.

238 (g) A survivor has the right to be informed, upon request,
239 of the results of the analysis of his or her sexual offense
240 evidence kit and whether the analysis yielded a DNA profile or
241 DNA match with the named perpetrator or a suspect already in the
242 CODIS as provided in s. 943.325. The survivor has the right to
243 receive this information through a secure and confidential
244 message in writing from the operator of the statewide DNA
245 database, which must include the telephone number of the state
246 forensic laboratory.

247 (h)1. A defendant or person accused or convicted of a crime
248 against a survivor has no standing to object to any failure to
249 comply with this section, and the failure to provide a right or
250 notice to a survivor under this section may not be used by a
251 defendant to seek to have the conviction or sentence set aside
252 under rule 3.850, Florida Rules of Criminal Procedure.

253 2. The failure of a law enforcement agency to take
254 possession of a sexual offense evidence kit as provided in this
255 section or to submit such kit to the crime laboratory for
256 analysis within the time specified in this section does not
257 alter the authority of a law enforcement agency to take such
258 possession, submit such kit, or upload the DNA profile obtained
259 from such kit into the CODIS as provided in s. 943.325. The
260 failure to comply with this section does not constitute grounds
261 in any criminal or civil proceeding for challenging the validity

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262 of a database match or any database information, and any
263 evidence obtained from such DNA profile may not be excluded by a
264 court on such grounds.

265 (i) A sexual offense evidence kit may not be used:

266 1. To prosecute a survivor for any misdemeanor crime or any
267 crime defined in chapter 893; or

268 2. As a basis to search for further evidence relating to
269 any unrelated misdemeanor crime or any crime defined in chapter
270 893 which may have been committed by the survivor.

271 (8) NOTICE TO SURVIVORS.—

272 (a) Upon initial interaction with a survivor, a law
273 enforcement officer or a medical provider shall provide the
274 survivor with a document, to be developed by the Attorney
275 General and signed by the survivor to confirm receipt, which
276 explains the rights of survivors pursuant to this section and
277 other relevant law in clear language that is comprehensible to a
278 person proficient in English at a fifth-grade level, accessible
279 to persons with visual disabilities, and available in all widely
280 used languages in this state. Such document must include, but is
281 not limited to:

282 1. A clear statement that a survivor is not required to
283 participate in the legal or criminal justice systems or receive
284 a medical evidentiary or forensic physical examination in order
285 to retain the rights provided in this section and other relevant
286 law.

287 2. Telephone and Internet means of contacting nearby rape
288 crisis centers and sexual assault counselors.

289 3. Law enforcement protection available to the survivor,
290 including temporary protection orders, and the process to obtain

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291 such protection.

292 4. Instructions for requesting the results of the analysis
293 of the survivor's sexual offense evidence kit.

294 5. State and federal compensation funds for medical and
295 other costs associated with the sexual offense, and information
296 on any municipal, state, or federal right to restitution
297 available to the survivor if there is a criminal trial.

298 (b) A law enforcement officer shall, upon written request
299 from a survivor, furnish, within 15 days after receipt of such
300 request, a free, complete, and unaltered copy of all law
301 enforcement reports concerning the sexual offense, regardless of
302 whether the report has been closed by the law enforcement
303 agency.

304 (c) A prosecutor shall, upon written request from a
305 survivor, provide:

306 1. Timely notice of any pretrial disposition of the case as
307 provided in s. 16(b)(6)a., Art. I of the State Constitution.

308 2. Prompt and timely notice of the final disposition of the
309 case, including the conviction, sentence, and location and time
310 of incarceration as provided in s. 960.001(1)(a)7.

311 3. Timely notice when a convicted defendant receives a
312 temporary, provisional, or final release from custody, escapes
313 from custody, is moved from a secure facility to a less-secure
314 facility, or reenters custody as provided in s. 16(b)(6)a., Art.
315 I of the State Constitution.

316 4. A convicted defendant's information contained in a
317 sexual offender registry, if any.

318 (9) CAUSE OF ACTION.-

319 (a) This subsection applies to all violations of this

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320 section, regardless of whether they are subject to any other law
321 of this state, and does not supersede, amend, or repeal any
322 other law of this state under which the Attorney General is
323 authorized to take any action or conduct any inquiry according
324 to law.

325 (b) Each person, corporation, agency, officer, or employee
326 who has a responsibility to survivors under this section and
327 other relevant law shall make reasonable efforts to become
328 informed of these rights and responsibilities to ensure that
329 survivors and witnesses receive the information and services to
330 which they are entitled under applicable law.

331 (c) If the Attorney General believes from satisfactory
332 evidence that any person, corporation, agency, officer, or
333 employee has failed to make efforts as required under paragraph
334 (7) (a) or has violated any of the rights in this section, the
335 Attorney General may bring an action in the name and on behalf
336 of the people of the state to enjoin such acts or practices,
337 including proceeding for any survivors directly or indirectly
338 affected by such act or omission.

339 (d) If, after investigation, the Attorney General
340 determines that there is a reasonable cause to proceed with an
341 action, and before any violation of this section is sought to be
342 enjoined, the Attorney General shall give notice by certified
343 mail to the person against whom the proceeding is contemplated
344 and allow such person an opportunity to demonstrate in writing
345 within 5 business days after receipt of notice why proceedings
346 should not be instituted against such person, unless the
347 Attorney General finds, in any case in which he or she seeks
348 preliminary relief, that giving the notice and opportunity is

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349 not in the public's best interest.

350 (e) In any action under this subsection, it is a complete
351 defense that the act or practice is subject to and complies with
352 the rules and regulations of, and the laws administered by, any
353 department, division, commission, or agency of the United States
354 as such rules, regulations, or laws are interpreted by the
355 department, division, commission, or agency of the federal
356 courts.

357 (f) In connection with any proposed proceeding under this
358 section, the Attorney General may take evidence, make a
359 determination of the relevant facts, and issue subpoenas in
360 accordance with the Florida Rules of Civil Procedure.

361 (g) In addition to the right of action granted to the
362 Attorney General pursuant to this subsection, any person who has
363 been injured by reason of any violation of this section or the
364 rights provided in this section may bring an action in his or
365 her own name to enjoin such unlawful act or practice, or to
366 recover his or her actual damages or \$1,000, whichever is
367 greater, or both actions. The court may increase the award of
368 damages to an amount not to exceed three times the actual
369 damages, up to \$6,000, if the court finds the defendant
370 willfully or knowingly violated this section.

371 (h) The court may award reasonable attorney fees to a
372 prevailing plaintiff.

373 (10) CREATION OF TRACKING SYSTEM FOR SEXUAL OFFENSE
374 EVIDENCE KITS.—By July 1, 2020, the Department of Legal Affairs
375 shall establish, in consultation with the Department of Law
376 Enforcement, a system for tracking sexual offense evidence kits
377 which allows a sexual assault survivor to track by telephone or

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378 Internet the location and status of the survivor's kit. Once
379 established, whoever administers a kit shall furnish the
380 survivor with written instructions, which must be developed by
381 the Department of Legal Affairs, regarding how to use and access
382 the tracking system.

383 (11) REPORTING ON THE INVENTORY OF SEXUAL OFFENSE EVIDENCE
384 KITS.-

385 (a) Initial inventory report of unanalyzed sexual offense
386 evidence kits.-

387 1. By October 1, 2020, each law enforcement agency and
388 department tasked with the collection, maintenance, storage, or
389 preservation of sexual offense evidence kits shall create and
390 submit to the Auditor General an initial inventory report of all
391 kits being stored by such agency or department which have not
392 been submitted for analysis as of July 1, 2020.

393 2. By January 1, 2021, the Auditor General shall prepare
394 and submit to the President of the Senate and the Speaker of the
395 House of Representatives, and post on its publicly accessible
396 Internet website, a report identifying the number of unanalyzed
397 sexual offense evidence kits being stored by each law
398 enforcement agency or department, the date on which each kit was
399 collected, the corresponding statute of limitations for
400 prosecution of the crime associated with each kit, and a plan,
401 developed in consultation with such agency or department, for
402 analyzing such kits.

403 (b) Annual report.-

404 1. After the submission of the initial inventory report
405 described in subparagraph (a)1., the Department of Law
406 Enforcement and the Department of Health shall annually obtain

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407 from each law enforcement agency and department tasked with the
408 collection, maintenance, storage, and preservation of sexual
409 offense evidence kits an updated inventory of the unanalyzed
410 sexual offense evidence kits being stored by the agency or
411 department, the number of kits collected by each law enforcement
412 agency or department since the last inventory was created, the
413 date each kit was collected, the number of kits analyzed and
414 remaining unanalyzed by each agency or department, the amount of
415 time taken for each kit to be analyzed, and the corresponding
416 statute of limitations for prosecution of the crime associated
417 with each kit.

418 2. By March 1, 2021, and each March 1 thereafter, the
419 Auditor General shall compile all of the data obtained by the
420 Department of Law Enforcement and the Department of Health into
421 an annual report, which must be posted on its publicly
422 accessible Internet website and submitted to the President of
423 the Senate and the Speaker of the House of Representatives.

424 (12) LEGAL PROCEDURES.—

425 (a) In a civil or criminal case relating to a sexual
426 offense, a survivor has the right to be reasonably protected
427 from the defendant and persons acting on behalf of the defendant
428 as provided in s. 16(b) (3), Art. I of the State Constitution.

429 (b) A survivor has the right to be free from intimidation,
430 harassment, and abuse as provided in s. 16(b) (2), Art. I of the
431 State Constitution. A court shall make reasonable efforts to
432 provide the survivor and his or her family members, friends,
433 witnesses, and attorneys with a secure waiting area that is
434 separate from the waiting area of the defendant and the
435 defendant's family members, friends, witnesses, and attorneys,

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436 and separate from the prosecutor's office.

437 (c) A survivor has the right to be treated with fairness
438 and respect for his or her privacy and dignity as provided in s.
439 960.001 and s. 16(b)(1), Art. I of the State Constitution. A
440 court shall, upon the request of the survivor, clear the
441 courtroom of all persons when the survivor is testifying
442 regarding the sexual offense in any civil or criminal trial,
443 except that parties to the case and their immediate family
444 members or guardians, attorneys, and personnel working at the
445 attorney's direction; officers of the court, jurors, newspaper
446 reporters or broadcasters, and court reporters; and, with the
447 consent of the survivor, witnesses designated by the prosecutor
448 may remain in the courtroom.

449 (d) A survivor may not be asked or required to submit to a
450 polygraph examination as a prerequisite to filing an accusatory
451 pleading, as provided in s. 960.001(1)(t), or to participating
452 in any part of the legal or criminal justice systems.

453 (e) A survivor has the right to be heard through a survivor
454 impact statement at any proceeding involving a postarrest
455 release decision, plea, sentencing, postconviction release
456 decision, or any other proceeding in which a right of the
457 survivor is at issue, as provided in s. 960.001(1)(k), and the
458 right to provide a sentencing recommendation to the probation
459 department official conducting a presentence investigation, as
460 provided in s. 16(b)(6)d., Art. I of the State Constitution.

461 Section 3. Section 943.326, Florida Statutes, is amended to
462 read:

463 943.326 DNA evidence collected in sexual offense
464 investigations.-

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465 (1) A sexual offense evidence kit, or other DNA evidence ~~if~~
466 ~~a kit is not collected,~~ must be submitted to a member of the
467 statewide criminal analysis laboratory system under s. 943.32
468 for forensic testing within 5 ~~30~~ days after receipt of the
469 evidence by a law enforcement agency, regardless of whether the
470 alleged victim has chosen to exercise his or her right to file a
471 report of the sexual offense to the law enforcement agency,
472 unless the victim requests in writing that the criminal analysis
473 laboratory defer analysis of the sexual offense evidence kit:

474 ~~(a) Receipt of the evidence by a law enforcement agency if~~
475 ~~a report of the sexual offense is made to the law enforcement~~
476 ~~agency; or~~

477 ~~(b) A request to have the evidence tested is made to the~~
478 ~~medical provider or the law enforcement agency by:~~

479 ~~1. The alleged victim;~~

480 ~~2. The alleged victim's parent, guardian, or legal~~
481 ~~representative, if the alleged victim is a minor; or~~

482 ~~3. The alleged victim's personal representative, if the~~
483 ~~alleged victim is deceased.~~

484 (2) An alleged victim or, if the alleged victim is a minor,
485 his or her parent, guardian, or legal representative, unless
486 such person is the alleged assailant, if applicable, the person
487 ~~representing the alleged victim under subparagraph (1)(b)2. or~~
488 ~~3.~~ must be informed of the purpose of submitting evidence for
489 testing and the right to request testing under subsection (1)
490 by:

491 (a) A medical provider conducting a forensic physical
492 examination for purposes of a sexual offense evidence kit; or

493 (b) A law enforcement agency that collects other DNA

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494 evidence associated with the sexual offense ~~if a kit is not~~
495 ~~collected under paragraph (a).~~

496 (3) A collected sexual offense evidence kit must be
497 retained in a secure, environmentally safe manner for a minimum
498 of 20 years, or until the survivor reaches 40 years of age if
499 the survivor was a minor when the sexual offense occurred,
500 before it is destroyed ~~until the prosecuting agency has approved~~
501 ~~its destruction.~~

502 (4) By July 1, 2021 ~~January 1, 2017~~, the department and
503 each laboratory within the statewide criminal analysis
504 laboratory system, in coordination with the Florida Council
505 Against Sexual Violence, shall adopt and disseminate guidelines
506 and procedures for the collection, submission, and testing of
507 DNA evidence that is obtained in connection with an alleged
508 sexual offense. The timely submission and testing of sexual
509 offense evidence kits is a core public safety issue. Testing of
510 sexual offense evidence kits must be completed no later than 60
511 ~~120~~ days after submission to a member of the statewide criminal
512 analysis laboratory system.

513 (a) The guidelines and procedures must include the
514 requirements of this section, standards for how evidence is to
515 be packaged for submission, what evidence must be submitted to a
516 member of the statewide criminal analysis laboratory system, and
517 timeframes for when the evidence must be submitted, analyzed,
518 and compared to DNA databases.

519 (b) The testing requirements of this section are satisfied
520 when a member of the statewide criminal analysis laboratory
521 system tests the contents of the sexual offense evidence kit in
522 an attempt to identify the foreign DNA attributable to a

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523 suspect. If a sexual offense evidence kit is not collected, the
524 laboratory may receive and examine other items directly related
525 to the crime scene, such as clothing or bedding or personal
526 items left behind by the suspect. If probative information is
527 obtained from the testing of the sexual offense evidence kit,
528 the examination of other evidence should be based on the
529 potential evidentiary value to the case and determined through
530 cooperation among the investigating agency, the laboratory, and
531 the prosecutor.

532 (5) A violation of this section does not create:

533 (a) A cause of action or a right to challenge the admission
534 of evidence.

535 (b) A cause of action for damages or any other relief.

536 Section 4. This act shall take effect July 1, 2020.