

26 2. The alleged victim's parent, guardian, or legal
27 representative, if the alleged victim is a minor; or

28 3. The alleged victim's personal representative, if the
29 alleged victim is deceased.

30 (3) (a) Except as provided in paragraph (b) a collected
31 sexual offense evidence kit, or other DNA evidence if a kit is
32 not collected, collected from an alleged victim who reports a
33 sexual offense to a law enforcement agency or who makes a
34 request, or on whose behalf a request is made, for testing in
35 compliance with paragraph (1)(b), must be retained in a secure,
36 environmentally safe manner until the prosecuting agency has
37 approved its destruction.

38 (b)1. A sexual offense evidence kit collected from a
39 person who does not report a sexual offense to a law enforcement
40 agency during the forensic physical examination and who does not
41 make a request, or have a request made on his or her behalf, in
42 compliance with paragraph (1)(b) must be retained for a minimum
43 of 8 years from the collection date by the medical facility that
44 collected the kit, a certified rape crisis center with
45 appropriate storage capabilities, or a law enforcement agency. A
46 sexual offense evidence kit retained pursuant to this
47 subparagraph must be stored anonymously, in a secure,
48 environmentally safe manner, and with a documented chain of
49 custody.

50 2. If, at any time following the initial retention of a

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51 sexual offense evidence kit pursuant to subparagraph (b)1., an
52 alleged victim makes a report to a law enforcement agency or
53 makes a request, or has a request made on his or her behalf, for
54 testing in compliance with paragraph (1) (b), the kit must be
55 retained as described in paragraph (3) (a).

56 Section 2. This act shall take effect July 1, 2024.