

1 used to collect and preserve evidence of a sexual assault or other
2 sex offense. All sexual assault evidence collection kits, purchased
3 and/or distributed by the Oklahoma State Bureau of Investigation to
4 collection sites on or after October 1, 2019, shall be trackable and
5 shall comply with the requirements of the electronic tracking
6 system.

7 B. The Division Director of the OSBI Crime Laboratory shall
8 implement protocols and administer the tracking system. The
9 Division Director shall implement protocols and the Bureau shall
10 promulgate rules and guidelines to ensure that previously untested
11 sexual assault evidence collection kits are trackable and are
12 entered into the tracking system. Any law enforcement agency,
13 medical provider or forensic laboratory that has in its custody a
14 previously untested sexual assault evidence collection kit used for
15 a forensic medical examination shall comply with the established
16 protocols, rules and guidelines relating to all untested kits.

17 C. For purposes of this section, "previously untested sexual
18 assault evidence collection kit" means any kit that has not
19 undergone forensic testing and was identified and included in the
20 2017-2018 statewide inventories of kits in law enforcement custody
21 pursuant to the Governor's Executive Order 2017-11. To the extent
22 practicable, and consistent with protecting victim confidentiality
23 for unreported sexual assaults, a law enforcement agency having
24 custody of a kit governed by this subsection shall take reasonable

1 measures to provide appropriate tracking information to the affected
2 victim.

3 D. The tracking system shall:

4 1. Track the location and status of each evidence collection
5 kit through the criminal justice process, including the initial
6 collection of evidence for the kit in a forensic medical examination
7 performed at a health care facility, receipt and storage of the kit
8 at a law enforcement agency, receipt and analysis of the kit at an
9 accredited crime laboratory, and storage and destruction of the kit
10 after the applicable evidence is analyzed;

11 2. Allow a health care facility performing a forensic medical
12 examination of a survivor, law enforcement agency, accredited crime
13 laboratory, prosecutor or other entity providing a chain of custody
14 for an evidence collection kit to update and track the status and
15 location of the kits; and

16 3. Allow a survivor to anonymously track or receive updates
17 regarding the statute and location of the survivor's evidence
18 collection kit.

19 E. The Bureau shall require participation in the tracking
20 system by all medical providers, law enforcement agencies, forensic
21 laboratories or other persons or entities having custody or use of
22 any sexual assault evidence collection kit in the State of Oklahoma.
23 These entities shall participate in the tracking system and comply
24 with the established protocols, rules and guidelines. A

1 participating entity shall be permitted to access the entity's
2 tracking information through the System.

3 F. Records entered into the tracking system are confidential.
4 Records relating to an evidence collection kit may be accessed only
5 by:

6 1. The survivor for whom the evidence collection kit was
7 completed; or

8 2. An employee of an entity described by subsection C for
9 purposes of updating or tracking the status or location of the
10 evidence collection kit.

11 G. No later than January 1, 2020, the Oklahoma State Bureau of
12 Investigation shall require all entities described in this section
13 to participate in the statewide tracking system established by this
14 section.

15 SECTION 2. This act shall become effective July 1, 2019.

16 SECTION 3. It being immediately necessary for the preservation
17 of the public peace, health or safety, an emergency is hereby
18 declared to exist, by reason whereof this act shall take effect and
19 be in full force from and after its passage and approval.

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21 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 04/02/2019 - DO PASS.

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