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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 2983

02/11/2020 Authored by O'Neill, Moller, Poston, Tabke, Edelson and others
The bill was read for the first time and referred to the Public Safety and Criminal Justice Reform Finance and Policy Division

1.1 A bill for an act
1.2 relating to public safety; requiring all unrestricted sexual assault examination kit
1.3 samples to be tested; establishing retention and storage requirements for sexual
1.4 assault examination kits; requiring the design and publication of a uniform sexual
1.5 assault examination kit consent form; creating a searchable database to track the
1.6 status of testing of sexual assault examination kits; appropriating money for
1.7 additional lab scientists and software upgrades; amending Minnesota Statutes
1.8 2018, section 299C.106, subdivision 3, by adding subdivisions.

1.9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.10 Section 1. Minnesota Statutes 2018, section 299C.106, subdivision 3, is amended to read:

1.11 Subd. 3. **Submission and storage of unrestricted sexual assault examination kit**
1.12 **kits.** (a) Within 60 days of receiving an unrestricted sexual assault examination kit, a law
1.13 enforcement agency shall submit the kit for testing to a forensic laboratory, ~~unless the law~~
1.14 ~~enforcement agency deems the result of the kit would not add evidentiary value to the case.~~
1.15 ~~If a kit is not submitted during this time, the agency shall make a record, in consultation~~
1.16 ~~with the county attorney, stating the reasons why the kit was not submitted. Restricted sexual~~
1.17 ~~assault examination kits shall not be submitted for testing. The testing laboratory shall return~~
1.18 unrestricted sexual assault examination kits to the submitting agency for storage after testing
1.19 is complete. The submitting agency must store unrestricted sexual assault examination kits
1.20 indefinitely.

1.21 (b) Within 60 days of receiving a restricted sexual assault examination kit, a law
1.22 enforcement agency shall submit the kit directly to the Bureau of Criminal Apprehension.
1.23 The bureau shall store all restricted sexual assault examination kits collected by law
1.24 enforcement agencies in the state. The bureau shall retain a restricted sexual assault
1.25 examination kit for at least 30 months from the date the bureau receives the kit.

2.1 Sec. 2. Minnesota Statutes 2018, section 299C.106, is amended by adding a subdivision  
2.2 to read:

2.3 Subd. 3a. **Uniform consent form.** The superintendent of the Bureau of Criminal  
2.4 Apprehension shall develop a uniform sexual assault examination kit consent form. The  
2.5 form must clearly explain the differences between designating a kit as unrestricted or  
2.6 restricted. In developing and designing the consent form, the superintendent must consult  
2.7 with hospital administrators, sexual assault nurse examiners, the Minnesota Coalition Against  
2.8 Sexual Assault, and other stakeholders. The uniform consent form shall be widely distributed  
2.9 to law enforcement agencies, medical providers, and other stakeholders. The superintendent  
2.10 must make the form available on the bureau's website.

2.11 Sec. 3. Minnesota Statutes 2018, section 299C.106, is amended by adding a subdivision  
2.12 to read:

2.13 Subd. 3b. **Web database requirement.** The commissioner, in consultation with the  
2.14 commissioner of administration, must maintain a website with a searchable database  
2.15 providing sexual assault victims with information on the status of their individual sexual  
2.16 assault examination kit. The superintendent must strictly control access to the database to  
2.17 protect the privacy of the victims' data.

2.18 Sec. 4. **APPROPRIATION.**

2.19 (a) \$..... is appropriated from the general fund to the Department of Public Safety to  
2.20 hire and train additional scientists and toxicologists in the Bureau of Criminal Apprehension.

2.21 (b) \$..... is appropriated from the general fund to the Department of Public Safety to  
2.22 store and test sexual assault examination kits.

2.23 (c) \$..... is appropriated from the general fund to the Department of Public Safety to  
2.24 design, build, and maintain a searchable sexual assault examination kit database and to  
2.25 create a uniform sexual assault examination kit testing consent form.