

## **Sexual Abuse; Assault; Collection of Evidence; Written Policies; HB 2228**

**HB 2228** creates and amends law related to sexual assault evidence kits and collection of evidence related to abuse or sexual assault.

### ***Law Enforcement Agency Written Policy***

The bill creates law requiring all law enforcement agencies in Kansas to adopt a written policy requiring submission of all sexual assault kits that correspond to a law enforcement report of sexual assault to the Johnson County Sheriff's Office Criminalistics Laboratory, Sedgwick County Regional Forensic Science Center, the Kansas Bureau of Investigation (KBI), or another accredited forensic laboratory. The bill requires the policy to ensure such submission occurs within 30 business days from collection of the kit for examination and to include a procedure to ensure the examination results are received by the investigating officer.

All law enforcement agencies in Kansas are required to collaborate with the county or district attorneys in the appropriate jurisdiction regarding the contents of the policies required by the bill, and the bill requires each law enforcement agency's policy to be made available to all law enforcement officers employed by the agency and to be available for public inspection during normal business hours. The bill requires the policies to be adopted and implemented by all law enforcement agencies in Kansas prior to January 31, 2023.

### ***Collection of Evidence***

The bill amends a statute related to child advocacy centers to require such centers to be recognized by the National Children's Alliance and to allow such centers to provide on-site evidence collection for physical, mental, emotional, or sexual abuse, including sexual assault evidence collection, or to provide referrals for off-site collection of such evidence.

The bill amends a statute governing examination of victims of sexual offenses to allow such examinations by child advocacy centers or by any other facility licensed or operated by a physician, physician assistant, or registered nurse licensed under Kansas' public health statutes, and to require such examinations be conducted using KBI sexual assault evidence kits or similar kits approved by the KBI, for the purposes of gathering evidence of any such crime. A provision requiring the Kansas Department of Health and Environment to cooperate with the KBI in establishing procedures for gathering such evidence is amended to make the KBI solely responsible for establishing such procedures.

The bill amends a provision in the statute regarding retention of sexual assault kits to clarify that unreported sexual assault kits are to be sent to the KBI and that the retention period applies to all unreported sexual assault kits connected to a report of sexual assault. The bill extends the required retention period for such kits from 5 years to 20 years.

The bill adds a provision to the statute to require each sexual assault kit received by the Johnson County Sheriff's Office Criminalistics Laboratory, Sedgwick County Regional Forensic Science Center, or the KBI to be examined if the kit is required to be released to a law enforcement agency in connection with a report of sexual assault.

Finally, the bill adds definitions for “unreported sexual assault kit” and “sexual assault,” moves a provision allowing a minor to consent to examination, and adds references to child advocacy centers and other facilities to apply procedural requirements.