

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 SENATE BILL NO. 967

By: Floyd

6 AS INTRODUCED

7 An Act relating to sexual assault collection kits;  
8 providing for creation and implementation of a  
9 statewide electronic tracking system; requiring all  
10 kits be trackable; directing Division Director of the  
11 OSBI Crime Laboratory to implement protocols and  
12 administer the tracking system; providing definition;  
13 requiring certain functions of the tracking system;  
14 providing for certain records disclosure; directing  
15 mandatory participation in tracking system; providing  
16 for codification; and providing an effective date.

14 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

15 SECTION 1. NEW LAW A new section of law to be codified  
16 in the Oklahoma Statutes as Section 150.28a of Title 74, unless  
17 there is created a duplication in numbering, reads as follows:

18 A. The Criminalistics Services Division of the Oklahoma State  
19 Bureau of Investigation (OSBI) shall develop and implement a  
20 statewide electronic tracking system for evidence collection kits  
21 used to collect and preserve evidence of a sexual assault or other  
22 sex offense. All sexual assault evidence collection kits, purchased  
23 and/or distributed by the Oklahoma State Bureau of Investigation to  
24 collection sites on or after October 1, 2019, shall be trackable and

1 shall comply with the requirements of the electronic tracking  
2 system.

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

13 C. For purposes of this section, "previously untested sexual  
14 assault evidence collection kit" means any kit that has not  
15 undergone forensic testing and was identified and included in the  
16 2017-2018 statewide inventories of kits in law enforcement custody  
17 pursuant to the Governor's Executive Order 2017-11. To the extent  
18 practicable, and consistent with protecting victim confidentiality  
19 for unreported sexual assaults, a law enforcement agency having  
20 custody of a kit governed by this subsection shall take reasonable  
21 measures to provide appropriate tracking information to the affected  
22 victim.

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

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

13        3. Allow a survivor to anonymously track or receive updates  
14 regarding the statute and location of the survivor's evidence  
15 collection kit.

16        E. The Bureau shall require participation in the tracking  
17 system by all medical providers, law enforcement agencies, forensic  
18 laboratories or other persons or entities having custody or use of  
19 any sexual assault evidence collection kit in the State of Oklahoma.  
20 These entities shall participate in the tracking system and comply  
21 with the established protocols, rules and guidelines. A  
22 participating entity shall be permitted to access the entity's  
23 tracking information through the System.

1 F. Records entered into the tracking system are confidential.

2 Records relating to an evidence collection kit may be accessed only  
3 by:

4 1. The survivor for whom the evidence collection kit was  
5 completed; or

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

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

13 SECTION 2. This act shall become effective November 1, 2019.

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