

STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

COMMITTEE SUBSTITUTE
FOR

SENATE BILL 962

By: Jett

COMMITTEE SUBSTITUTE

An Act relating to sexual assault evidence kits;
amending 74 O.S. 2021, Section 150.28b, which relates
to the standardized sexual assault evidence kit;
modifying certain submissions; requiring certain
testing; updating statutory language; and providing
an effective date.

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

SECTION 1. AMENDATORY 74 O.S. 2021, Section 150.28b, is
amended to read as follows:

Section 150.28b. A. All accredited crime laboratories in ~~the~~
~~State of Oklahoma~~ this state must supply to all law enforcement
agencies the same standardized sexual assault evidence kit for the
collection of DNA or other evidence as a result of an alleged crime
of sexual assault.

B. A sexual assault evidence kit, or other DNA evidence if a
kit is not collected, must be submitted to the appropriate
accredited crime laboratory for forensic testing within ~~twenty (20)~~
~~days~~ ten (10) days after receipt of the evidence by a law

1 enforcement agency if a report of the sexual assault is made to the
2 law enforcement agency, unless the victim requests that the sexual
3 assault evidence kit not be tested.

4 C. If, at the time the forensic medical examination is
5 conducted, a report of the sexual assault is not made or if the
6 victim requests that the sexual assault evidence kit not be tested,
7 the medical provider shall inform the victim in writing of his or
8 her right to request the testing of the sexual assault evidence kit
9 at any future time. The law enforcement agency shall submit the
10 sexual assault evidence kit to the appropriate accredited crime
11 laboratory for forensic testing within ~~twenty (20) days~~ ten (10)
12 days of such request. However, nothing in this subsection shall
13 negate the responsibility of a medical provider to report a
14 suspected sexual assault as provided for in Section 40.3A of Title
15 22 of the Oklahoma Statutes.

16 D. A collected sexual assault evidence kit, whether tested or
17 untested, must be retained in a secure, environmentally safe manner
18 for not less than fifty (50) years or for the length of the statute
19 of limitations for the alleged crime, whichever is longer.

20 E. Each law enforcement agency is responsible for the
21 maintenance and storage of untested kits either in their own
22 evidence storage or through an agreement with another agency with
23 larger capacity.

1 F. By January 1, 2020, the Oklahoma State Bureau of
2 Investigation and each accredited crime laboratory, in coordination
3 with the Oklahoma Sexual Assault Forensic Evidence Task Force, shall
4 adopt and disseminate guidelines and procedures for the collection,
5 submission and testing of DNA evidence that is obtained in
6 connection with an alleged sexual assault. Priority testing shall
7 be given for sexual assault evidence kits that will yield
8 evidentiary value to the investigation and prosecution of the
9 alleged sexual assault. Each accredited crime laboratory shall test
10 any untested sexual assault evidence kit within eighteen (18) months
11 of receiving the untested sexual assault kit.

12 SECTION 2. This act shall become effective November 1, 2023.

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