

STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

SENATE BILL 962

By: Jett

AS INTRODUCED

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; 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 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)~~ ten (10) days after receipt of the evidence by a law enforcement agency if a report of the sexual assault is made to the

1 law enforcement agency, unless the victim requests that the sexual
2 assault evidence kit not be tested.

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

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

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

23 F. By January 1, 2020, the Oklahoma State Bureau of
24 Investigation and each accredited crime laboratory, in coordination

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

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

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