

AMENDED IN SENATE MARCH 25, 2010

**SENATE BILL**

**No. 1352**

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**Introduced by Senator Wyland**

February 19, 2010

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An act to ~~relating to business~~ add Section 680.2 to the Penal Code, relating to rape kits.

LEGISLATIVE COUNSEL'S DIGEST

SB 1352, as amended, Wyland. ~~Business regulation: business permits.~~ Rape kits.

*Existing law requires the establishment of protocols for the examination and treatment of sexual assault victims, including the collection and preservation of evidence. Existing law provides that a law enforcement agency assigned to investigate certain sexual assault offenses should perform DNA testing of rape kit evidence in a timely manner.*

*This bill would require rape kits collected on or after January 1, 2011, in criminal investigations be processed and analyzed for identification purposes within 30 days of delivery to law enforcement. The bill would also require that all rape kits collected prior to January 1, 2011, in criminal investigations be processed and analyzed for identification purposes not later than January 1, 2012.*

*By imposing additional duties on local law enforcement agencies, this bill would impose a state-mandated local program.*

*The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.*

~~Existing law provides for the regulation of businesses by state and local governments.~~

~~This bill would declare the intent of the Legislature to enact legislation that would streamline and reduce the number of permits that a business is required to acquire prior to starting up or expanding its operations.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes. State-mandated local program: ~~no~~-yes.

*The people of the State of California do enact as follows:*

1     *SECTION 1. Section 680.2 is added to the Penal Code, to read:*  
2     *680.2. All rape kits collected on or after January 1, 2011, in*  
3     *criminal investigations shall be processed and analyzed for*  
4     *identification purposes within 30 days of delivery to law*  
5     *enforcement. All rape kits collected prior to January 1, 2011, in*  
6     *criminal investigations shall be processed and analyzed for*  
7     *identification purposes not later than January 1, 2012.*

8     *SEC. 2. If the Commission on State Mandates determines that*  
9     *this act contains costs mandated by the state, reimbursement to*  
10    *local agencies and school districts for those costs shall be made*  
11    *pursuant to Part 7 (commencing with Section 17500) of Division*  
12    *4 of Title 2 of the Government Code.*

13    ~~SECTION 1. It is the intent of the Legislature to enact~~  
14    ~~legislation that would streamline and reduce the number of permits~~  
15    ~~that a business is required to acquire prior to starting up or~~  
16    ~~expanding its operations.~~