

AMENDED IN SENATE AUGUST 16, 2016

AMENDED IN ASSEMBLY MAY 27, 2016

AMENDED IN ASSEMBLY MARCH 15, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2499

**Introduced by Assembly Member Maienschein
(Coauthors: Assembly Members Chávez, Gipson, and Kim)
(Coauthor: Senator Bates)**

February 19, 2016

An act to add Section 680.1 to the Penal Code, relating to crimes.

LEGISLATIVE COUNSEL'S DIGEST

AB 2499, as amended, Maienschein. Sexual assault evidence kits.

Existing law, the Sexual Assault Victims' DNA Bill of Rights, expresses findings and declarations of the Legislature stating, among other things, that timely deoxyribonucleic acid (DNA) analysis of rape kit evidence is a core public safety issue affecting men, women, and children in this state. Existing law authorizes a law enforcement agency, upon the request of a sexual assault victim, to inform the victim of the status of the testing of the DNA rape kit evidence or other crime scene evidence from the victim's case, as specified. If the agency does not analyze that evidence within 6 months of the statute of limitations for filing a criminal complaint in a sexual assault case, as specified, or if the agency intends to destroy or dispose of rape kit evidence or other crime scene evidence from an unsolved sexual assault case prior to the expiration of the statute of limitations, existing law requires that a victim of a sexual assault be informed of that fact or that intention.

This bill would require the Department of Justice, on or before July 1, 2018, and in consultation with law enforcement agencies and crime victims groups, to establish a process by which victims of sexual assault may inquire regarding the location and information regarding their sexual assault evidence kits.

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

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

1 SECTION 1. The Legislature finds and declares both of the
2 following:

3 (a) There is a significant public interest in knowing the
4 percentage of rape kit biological samples that are analyzed for
5 the perpetrator’s DNA profile, as well as the reason that untested
6 rape kit samples are not analyzed. It is the intent of the Legislature
7 in enacting this section, pursuant to recommendations by the
8 California State Auditor to the Joint Legislative Audit Committee,
9 to correct that.

10 (b) In 2015, the Department of Justice created the Sexual Assault
11 Forensic Evidence Tracking (SAFE-T) database to track the status
12 of all sexual assault evidence kits collected in the state based on
13 voluntary data input from law enforcement agencies.

14 ~~SECTION 1.~~

15 ~~SEC. 2. Section 680.1 is added to the Penal Code, to read:~~

16 ~~680.1. (a) The Legislature finds and declares both of the~~
17 ~~following:~~

18 ~~(1) There is a significant public interest in knowing the~~
19 ~~percentage of rape kit biological samples that are analyzed for the~~
20 ~~perpetrator’s DNA profile, as well as the reason that untested rape~~
21 ~~kit samples are not analyzed. It is the intent of the Legislature in~~
22 ~~enacting this section, pursuant to recommendations by the~~
23 ~~California State Auditor to the Joint Legislative Audit Committee,~~
24 ~~to correct that.~~

25 ~~(2) In 2015, the Department of Justice created the Sexual Assault~~
26 ~~Forensic Evidence Tracking (SAFE-T) database to track the status~~
27 ~~of all sexual assault evidence kits collected in the state based on~~
28 ~~voluntary data input from law enforcement agencies.~~

29 ~~(b)~~

1 680.1. The Department of Justice, on or before July 1, 2018,
2 and in consultation with law enforcement agencies and crime
3 victims groups, shall establish a process by which victims of sexual
4 assault may inquire regarding the location and information
5 regarding their sexual assault evidence kits.

O