

ASSEMBLY, No. 3680

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED MARCH 16, 2020

Sponsored by:

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

Assemblywoman CAROL A. MURPHY

District 7 (Burlington)

SYNOPSIS

Imposes time constraints on submission and analysis of rape kits.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/16/2020)

1 **AN ACT** concerning sexual assault evidence and supplementing
2 Title 52 of the Revised Statutes.

3

4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6

7 1. This act shall be known and may be cited as the “Sexual
8 Assault Evidence Submission Act.”

9

10 2. As used in this act:

11 “Law enforcement agencies” means municipal, county, State or
12 federal law enforcement agencies involved in the investigation of
13 sexual assault cases in this State.

14 “Sexual assault evidence” means evidence collected in
15 connection with a sexual assault investigation, including, but not
16 limited to, evidence collected during a forensic sexual assault
17 examination.

18 “Superintendent” means the Superintendent of State Police in the
19 Department of Law and Public Safety.

20

21 3. A law enforcement agency shall submit sexual assault
22 evidence received in connection with the investigation of a criminal
23 case within 10 business days of receipt to the Central Laboratory in
24 the Office of Forensic Science in the Division of State Police or to a
25 laboratory approved by the superintendent.

26

27 4. All sexual assault evidence submitted pursuant to section 3
28 of this act on or after the effective date of this act shall be analyzed
29 within six months after receipt of all necessary evidence by the
30 Central Laboratory in the Office of Forensic Science or other
31 approved laboratory if sufficient staffing and resources are
32 available.

33

34 5. a. Within 45 days of the effective date of this act, each law
35 enforcement agency in this State shall provide written notice to the
36 superintendent, in a form and manner prescribed by the
37 superintendent, stating the number of sexual assault cases in the
38 custody of the law enforcement agency that have not been
39 previously submitted to a laboratory for analysis.

40 b. Within 180 days of the effective date of this act, appropriate
41 arrangements shall be made between the law enforcement agency
42 and the superintendent to ensure that all cases that were collected
43 prior to the effective date of this act and are, or were at the time of
44 collection, the subject of a criminal sexual assault investigation are
45 submitted to the Central Laboratory in the Office of Forensic
46 Science or to a laboratory approved by the superintendent.

47 c. Within 120 days of the effective date of this act, the
48 superintendent shall submit to the Governor, Attorney General,

1 President of the Senate, and Speaker of the General Assembly a
2 plan for analyzing cases submitted pursuant to this section. The
3 plan shall include, but not be limited to, a timeline for completion
4 of analysis and a summary of the inventory received, as well as
5 requests for funding and resources necessary to meet the established
6 timeline.

7
8 6. The failure of a law enforcement agency to submit the sexual
9 assault evidence collected on or after the effective date of this act
10 within 10 business days after receipt shall not alter the authority of
11 the law enforcement agency to submit the evidence or the authority
12 of the Central Laboratory or other approved laboratory to analyze
13 and type the genetic markers contained in or derived from DNA
14 samples which are stored and maintained in the State DNA database
15 and forwarded to the FBI for inclusion in CODIS in accordance
16 with statute, rule, or regulation.

17
18 7. Sexual assault evidence submitted for analysis pursuant to
19 this act shall be accompanied by the following signed certification:

20 "This evidence is being submitted by (name of investigating
21 law enforcement agency) in connection with a prior or current
22 criminal investigation."

23
24 8. The Attorney General shall develop guidelines governing the
25 submission and analysis of sexual assault evidence as required by
26 the provisions of this act.

27
28 9. This act shall take effect on the first day of the fourth month
29 following enactment and its provisions shall apply to sexual assault
30 evidence received by a law enforcement agency within 30 days
31 preceding the effective date of this act.

32
33
34 STATEMENT

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36 This bill, to be known as the "Sexual Assault Evidence
37 Submission Act," would require municipal, county, State and
38 federal law enforcement agencies to submit to the appropriate
39 forensic laboratory evidence collected in the investigation of a
40 sexual assault case within 10 business days. The bill requires this
41 evidence, often referred to as a "rape kit," to be analyzed by the lab
42 within six months of when it is received if sufficient staffing and
43 resources are available.

44 Under the bill, law enforcement agencies have 45 days to
45 provide to the Superintendent of State Police, in writing, the
46 number of sexual assault cases in the agency's custody that have not
47 been previously submitted to a laboratory for analysis. The
48 superintendent and the agency then have 180 days to make

1 appropriate arrangements to ensure the submission of this evidence.
2 Within 120 days of the effective date of this act, the superintendent
3 is required to submit to the Governor, Attorney General, President
4 of the Senate, and Speaker of the General Assembly a plan for
5 analyzing these submitted cases. The plan is to include a timeline
6 for completing the analysis of the rape kits and a summary of the
7 inventory received, as well as requests for funding and resources
8 necessary to meet the established timeline.

9 A rape kit submitted for analysis as required under the bill must
10 include a signed certification as follows: "This evidence is being
11 submitted by (name of investigating law enforcement agency) in
12 connection with a prior or current criminal investigation."

13 Guidelines issued by the Attorney General currently govern the
14 handling of rape kits in this State. Under these guidelines, rape kit
15 evidence is held for 5 years within which a victim can decide
16 whether to release the evidence to law enforcement. The victim is
17 informed of the county policy regarding time frames for the storage
18 and possible destruction of evidence.