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House Bill 5445 (Substitute H-1 as reported without amendment)
Sponsor: Representative John Walsh
House Committee: Criminal Justice
Senate Committee: Judiciary

CONTENT

The bill would create the "Sexual Assault Kit Evidence Submission Act" to do the following:

- Require a health care facility to notify a law enforcement agency within 24 hours after obtaining consent to release sexual assault kit evidence.
- Require a health care facility, if it did not obtain consent, to store sexual assault kit evidence for at least one year.
- Require a law enforcement agency that received notice of consent to take possession of the evidence within 14 days.
- Require an investigating law enforcement agency to submit sexual assault kit evidence to the Michigan Department of State Police (MSP), or another accredited laboratory, for analysis within 14 days after it took possession.
- Require sexual assault kit evidence to be analyzed within 90 days after the MSP received the evidence.
- Require DNA profiles from analyzed sexual assault kit evidence to be uploaded into databases specified by the MSP.
- Specify that failure to meet the requirements of the proposed Act would not alter the authority of law enforcement agencies, the MSP, or another accredited laboratory, and would not constitute grounds for challenging the validity of a database match.
- Require a law enforcement agency that intended to destroy or dispose of sexual assault kit evidence before the applicable statute of limitations expired to notify the victim at least 60 days before doing so.

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have a minimal fiscal impact on the MSP in the short term and an indeterminate fiscal impact in the long term. The bill's requirement that the MSP analyze sexual assault kits within 90 days of receiving such evidence initially should be able to be accomplished within existing Department resources, as its turnaround time for this analysis is currently 53 days, based on present caseloads. However, should the bill's provisions result in a significant increase in the number of sexual assault kits submitted for testing, the Department could require additional resources to meet the bill's standard. The MSP does not have an estimate as to the projected increase in caseload or the impact on its resources.

Date Completed: 6-4-14

Fiscal Analyst: Bruce Baker

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.