

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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PRINCIPAL CLERK

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SENATE BILL DRS35197-MV-12

Short Title: Victims' Right To Know/Rape Kit Status. (Public)

Sponsors: Senators Smith and Murdock (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE FOR THE NOTIFICATION OF VICTIMS OF RAPE REGARDING
3 THE STATUS OF A SEXUAL ASSAULT EXAMINATION KIT.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. This act shall be known and may be cited as the "Victims' Right To
6 Know Act."

7 SECTION 2. G.S. 15A-266.5A reads as rewritten:

8 "§ 15A-266.5A. Statewide sexual assault examination kit testing protocol.

9 ...

10 (b) Definitions. – The following definitions apply in this section:

11 (1) CODIS – As defined in G.S. 15A-266.2.

12 (2) Collecting agency. – Any agency, program, center, or other entity that collects
13 a sexual assault examination kit.

14 (2a) Notice-requesting victim. – A person who has consented to the collection of a
15 sexual assault examination kit, has consented to participate in the criminal
16 justice process by reporting the crime to law enforcement, and has elected to
17 receive notices on the status of the sexual assault examination kit and provided
18 contact information for that purpose.

19 (3) Reported sexual assault examination kit. – A sexual assault examination kit
20 collected from a person who consented to the collection of the sexual assault
21 examination kit and has consented to participate in the criminal justice process
22 by reporting the crime to law enforcement.

23 (4) State DNA database. – As defined in G.S. 15A-266.2.

24 (5) Unfounded sexual assault examination kit. – A reported sexual assault
25 examination kit, whereupon completion of the investigation it was concluded
26 by the investigating law enforcement agency, based on clear and convincing
27 evidence, that a crime did not occur.

28 (6) Unreported sexual assault examination kit. – A sexual assault examination kit
29 collected from a person who consented to the collection of the sexual assault
30 examination kit, ~~kit~~ but has not consented to participate in the criminal justice
31 process.

32 (c) Notification and Submission ~~Requirements for Kits Completed On or After July 1,~~
33 ~~2019.~~ Requirements. – Any collecting agency that collects a sexual assault examination kit
34 ~~completed on or after July 1, 2019,~~ shall preserve the kit according to guidelines established
35 under G.S. 15A-268(a2) and notify the appropriate law enforcement agency as soon as



1 practicable, but no later than 24 hours after the collection occurred. A law enforcement agency
 2 notified under this subsection shall do all of the following:

- 3 (1) Take custody of a sexual assault examination kit from the collecting agency
 4 that collected the kit within seven days of receiving notification. The law
 5 enforcement agency that takes custody of a kit under this subdivision shall
 6 retain and preserve the kit in accordance with the requirements of
 7 G.S. 15A-268.
- 8 (2) Submit a reported sexual assault examination kit to the State Crime
 9 Laboratory, or a laboratory approved by the State Crime Laboratory, not more
 10 than 45 days after taking custody of the reported sexual assault examination
 11 ~~kit.~~ kit and comply with the requirements of subsection (f1) of this section, as
 12 applicable.
- 13 (3) Submit an unreported sexual assault examination kit to the Department of
 14 Public Safety not more than 45 days after taking custody of the unreported
 15 sexual assault examination kit. The Department of Public Safety shall store
 16 any kit it receives under this subdivision pursuant to the authority set forth in
 17 G.S. 143B-601(13).

18 ...

19 (f1) Information for Notice-Requesting Victims. – Upon taking custody of a reported
 20 sexual assault examination kit and prior to submitting it to the State Crime Laboratory pursuant
 21 to subsection (c) of this section, the law enforcement agency shall inquire with the victim as to
 22 whether the victim wishes to receive further notices on the status of the sexual assault
 23 examination kit. If the victim elects to receive further notices, the victim shall designate contact
 24 information for this purpose. The law enforcement agency may collect this information in
 25 conjunction with the duties performed under G.S. 15A-831 or may collect it separately, as
 26 appropriate in the discretion of the law enforcement agency.

27 The law enforcement agency shall inform the notice-requesting victim that the kit has been
 28 submitted to the State Crime Laboratory within 24 hours of the submission and shall provide the
 29 State Crime Laboratory the notice-requesting victim's contact information. The victim is
 30 responsible for notifying the State Crime Laboratory of any changes in the victim's contact
 31 information. Consistent with G.S. 114-65(d), the State Crime Laboratory shall promptly notify a
 32 victim when any of the following occurs:

- 33 (1) The results of a DNA profile under this section are obtained and entered into
 34 the State DNA Database.
- 35 (2) The profile is entered into CODIS.
- 36 (3) A CODIS hit is made and confirmed.
- 37 (4) The sexual assault examination kit is within 60 days of being destroyed.

38"

39 **SECTION 3.** This act is effective when it becomes law and applies to sexual assault
 40 examination kits completed on or after that date.