SUMMARY—Revises provisions relating to the statewide program to track sexual assault forensic evidence kits. (BDR 15-162)

FISCAL NOTE: Effect on Local Government: No.

Effect on the State: No.

Effect on the State Highway Fund: No.

AN ACT relating to crimes; changing the dates by which the biannual report concerning the statewide program to track sexual assault forensic evidence kits must be submitted and posted on the Internet website of the agency establishing the program; revising the period for which certain information is reported; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Attorney General to designate a department or division of the Executive Department of State Government to establish a statewide program to track sexual assault forensic evidence kits. Existing law requires the program to allow: (1) providers of health care who perform forensic medical examinations, law enforcement agencies, prosecutors, forensic laboratories and other entities having sexual assault forensic evidence kits in their custody to track the status and location of those kits; and (2) a victim to anonymously track or receive updates on the status and location of the victim's sexual assault forensic evidence kit. Under existing law, the

COMMITTEE INTRODUCTION REQUIRED

department or division establishing the program is required to submit to the Governor and the Joint Interim Standing Committee on the Judiciary, and post on its Internet website, a biannual report concerning the number and status of sexual assault forensic kits in the program and the average and median time for genetic marker analysis to be completed. (NRS 200.3788) This bill revises the deadline for the submission and posting of this report by requiring the report to be submitted and posted on or before February 1 and August 1 of each year instead of on or before January 1 and July 1 of each year. **Section 1** additionally revises the period for which certain information is reported by requiring that information to be reported for the previous 6-month period ending on December 31 and June 30, respectively, instead of for the 6-month period before January 1 and July 1. (NRS 200.3788)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN

SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 200.3788 is hereby amended to read as follows:

200.3788 1. A statewide program to track sexual assault forensic evidence kits must be established in this State. The Attorney General shall, pursuant to the recommendation of the Committee on Domestic Violence and Sexual Assault appointed pursuant to NRS 228.470, designate a department or division of the Executive Department of State Government to establish

the program. The designated department or division may contract with any appropriate public or private agency, organization or institution to carry out the provisions of this section.

2. The program to track sexual assault forensic evidence kits must:

(a) Track the location and status of sexual assault forensic evidence kits, including, without limitation, the initial forensic medical examination, receipt by a law enforcement agency and receipt and genetic marker analysis at a forensic laboratory.

(b) Allow providers of health care who perform forensic medical examinations, law enforcement agencies, prosecutors, forensic laboratories and any other entities having sexual assault forensic evidence kits in their custody to track the status and location of sexual assault forensic evidence kits.

(c) Allow a victim of sexual assault to anonymously track or receive, by telephone or on an Internet website, updates regarding the status and location of his or her sexual assault forensic evidence kit.

3. The department or division designated pursuant to subsection 1 shall, on or before ~~[January]~~ ***February*** 1 and ~~[July]~~ ***August*** 1 of each year, submit to the Governor and the Director of the Legislative Counsel Bureau for transmittal to the Joint Interim Standing Committee on the Judiciary and post on the Internet website maintained by the department or division a report concerning the statewide program to track sexual assault forensic evidence kits. The report ***submitted on or before February 1 and August 1 of each year*** must include:

(a) The number of sexual assault forensic evidence kits in the program in each county.

(b) The number of sexual assault forensic evidence kits for which genetic marker analysis has been completed for each county for the ~~[last 6 months.]~~ ***previous 6-month period ending on December 31 and June 30, respectively.***

(c) The number of sexual assault forensic evidence kits added to the program in each county during the ~~[last 6 months.]~~ ***previous 6-month period ending on December 31 and June 30, respectively.***

(d) The number of sexual assault forensic evidence kits for which genetic marker analysis has been requested but not completed for each county.

(e) For this State as a whole and each county, the average and median time between a forensic medical examination and receipt of a sexual assault forensic evidence kit by a forensic laboratory for genetic marker analysis, overall and for the ~~[last 6 months.]~~ ***previous 6-month period ending on December 31 and June 30, respectively.***

(f) For this State as a whole and each county, the average and median time between receipt of a sexual assault forensic evidence kit by a forensic laboratory and genetic marker analysis, overall and for the ~~[last 6 months.]~~ ***previous 6-month period ending on December 31 and June 30, respectively.***

(g) The number of sexual assault forensic evidence kits in each county awaiting genetic marker analysis for more than 1 year and 6 months after forensic medical examination.

4. Each law enforcement agency, prosecutor, forensic laboratory and provider of health care who performs forensic medical examinations in this State shall participate in the statewide program to track sexual assault forensic evidence kits for the purpose of tracking the status of any sexual

assault forensic evidence kits in the custody of the agency, prosecutor, laboratory or provider, or a third party under contract with such agency, prosecutor, laboratory or provider.

5. Any agency or person who acts pursuant to this section in good faith and without gross negligence is immune from civil liability for those acts.

6. The department or division designated pursuant to subsection 1 may apply for and accept any gift, donation, bequest, grant or other source of money to carry out the provisions of this section.

Sec. 2. The provisions of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 3. This act becomes effective upon passage and approval.