

Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023
4

As Engrossed: H3/14/23

A Bill

HOUSE BILL 1577

5 By: Representatives Lundstrum, Bentley, Brooks, K. Brown, Burkes, Cavanaugh, Crawford, D. Garner,
6 Gramlich, L. Johnson, Long, McAlindon, McGrew, Pilkington, R. Scott Richardson, Rye, Unger, Wooten
7 By: Senators C. Penzo, K. Hammer, Irvin
8

For An Act To Be Entitled

10 AN ACT TO AMEND THE LAW CONCERNING SEXUAL OFFENSES;
11 TO AMEND THE STATUTE OF LIMITATIONS FOR CERTAIN
12 SEXUAL OFFENSES; TO AMEND THE LAW CONCERNING SEXUAL
13 ASSAULT COLLECTION KITS AND ANONYMOUS KITS; TO
14 REQUIRE A STATEWIDE ACCOUNTING OF ALL UNTESTED SEXUAL
15 ASSAULT COLLECTION KITS AND UNSUBMITTED ANONYMOUS
16 KITS; TO MAKE CONFORMING CHANGES; AND FOR OTHER
17 PURPOSES.
18

Subtitle

20 TO AMEND THE LAW CONCERNING SEXUAL
21 OFFENSES, INCLUDING WITHOUT LIMITATION
22 THE APPLICABLE STATUTE OF LIMITATIONS FOR
23 AND THE INVESTIGATION OF CERTAIN SEXUAL
24 OFFENSES.
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28 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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30 SECTION 1. Arkansas Code § 5-1-109(a)(1)(D), concerning offenses for
31 which prosecution may be commenced at any time, is amended to read as
32 follows:

33 (D) Rape, § 5-14-103, ~~if the victim was a minor at the~~
34 ~~time of the offense;~~
35

36 SECTION 2. Arkansas Code § 12-12-406(a)(3), concerning sexual assault



1 collection kits and the submission of sexual assault kits for testing, is
2 amended to read as follows:

3 (3) A sexual assault collection kit or an anonymous kit
4 collected by a licensed healthcare provider shall be taken into custody by a
5 law enforcement agency as soon as possible and within three (3) business days
6 of notice from the licensed healthcare provider.

7
8 SECTION 3. Arkansas Code § 12-12-406(c) and (d), concerning sexual
9 assault collection kits and the submission of sexual assault kits for
10 testing, are amended to read as follows:

11 (c) A sexual assault collection kit or an anonymous kit shall be
12 submitted to the laboratory by the receiving law enforcement agency using the
13 sexual assault collection kit tracking number as soon as possible, but no
14 later than fifteen (15) days after receipt of the sexual assault collection
15 kit or anonymous kit.

16 (d)(1) ~~A law enforcement agency is not required to submit an anonymous~~
17 ~~kit to the laboratory if the victim does not affirmatively request~~
18 ~~submission.~~ If a victim for whom victim information has been entered into a
19 sexual assault collection kit tracking system chooses to report the sexual
20 assault to the law enforcement agency with jurisdiction, the law enforcement
21 agency with jurisdiction shall submit a request to the laboratory with all
22 known information so that the victim's sexual assault collection kit results
23 can be located at the laboratory and released.

24 (2) ~~If a victim chooses to provide a personal statement about~~
25 ~~the sexual assault to a law enforcement agency at any time after initially~~
26 ~~declining to provide a personal statement, the anonymous kit shall be~~
27 ~~delivered to the laboratory as soon as possible, but no later than fifteen~~
28 ~~(15) days after the victim chooses to provide a personal statement to the law~~
29 ~~enforcement agency.~~ A law enforcement agency with jurisdiction shall submit
30 the request required under subdivision (d)(1) of this section to the
31 laboratory as soon as possible, but no later than fifteen (15) days after the
32 victim reports the sexual assault to the law enforcement agency with
33 jurisdiction.

34
35 SECTION 4. Arkansas Code § 12-12-406, concerning sexual assault
36 collection kits and the submission of sexual assault kits for testing, is

1 amended to add an additional subsection to read as follows:

2 (g) A law enforcement agency may contract with one (1) or more parties
3 to assist in meeting the requirement stated in subsection (c) of this
4 section.

5
6 SECTION 5. Arkansas Code Title 12, Chapter 12, Subchapter 4, is
7 amended to add an additional section to read as follows:

8 12-12-407. Audit of untested sexual assault collection kits and
9 unsubmitted anonymous kits.

10 (a) As used in this section:

11 (1) "Unsubmitted anonymous kit" means an anonymous kit that has
12 not been taken into custody by a law enforcement agency and submitted to the
13 State Crime Laboratory; and

14 (2) "Untested sexual assault collection kit" means a sexual
15 assault collection kit that has not been submitted to the State Crime
16 Laboratory or a similar qualified laboratory for either a serology or DNA
17 test.

18 (b)(1) The State Crime Laboratory shall develop a:

19 (A) Sexual assault evidence inventory audit document for a
20 law enforcement agency; and

21 (B) Sexual assault evidence inventory audit document for a
22 licensed healthcare provider.

23 (2)(A) The sexual assault evidence inventory audit document for
24 a law enforcement agency and the sexual assault evidence inventory audit
25 document for a licensed healthcare provider shall be reviewed and updated
26 periodically.

27 (B) The updated sexual assault evidence inventory audit
28 document for a law enforcement agency and the sexual assault evidence
29 inventory audit document for a licensed healthcare provider may be set forth
30 in rules promulgated by the State Crime Laboratory under the Arkansas
31 Administrative Procedure Act, § 25-15-201 et seq.

32 (c) Before December 31 of each year, a law enforcement agency that
33 maintains, stores, or preserves sexual assault evidence shall conduct an
34 audit of all untested sexual assault collection kits, unsubmitted anonymous
35 kits, and any associated evidence being stored by the law enforcement agency
36 and report the information to the State Crime Laboratory, using the sexual

1 assault evidence inventory audit document for a law enforcement agency.

2 (d) Before December 31 of each year, each licensed healthcare provider
3 charged with performing medical-legal examinations shall conduct an audit of
4 all untested sexual assault collection kits and unsubmitted anonymous kits
5 being stored by the licensed healthcare provider and report the information
6 to the State Crime Laboratory, using the sexual assault evidence inventory
7 audit document for a licensed healthcare provider.

8 (e) The State Crime Laboratory may communicate with a licensed
9 healthcare provider or a law enforcement agency for the purpose of
10 coordinating testing and other appropriate handling of sexual assault
11 collection kits and anonymous kits.

12 (f) Except as set forth in subsection (g) of this section, information
13 reported to the State Crime Laboratory under this section, as well as
14 information compiled or accumulated by a licensed healthcare provider or law
15 enforcement agency for the purpose of audits required by this section, is
16 confidential and not subject to discovery under the Arkansas Rules of Civil
17 Procedure or the Freedom of Information Act of 1967, § 25-19-101 et seq.

18 (g)(1) On or before each February 1, the State Crime Laboratory shall
19 prepare and transmit to the President Pro Tempore of the Senate, the Speaker
20 of the House of Representatives, the Senate Committee on Public Health,
21 Welfare, and Labor, the House Committee on Public Health, Welfare, and Labor,
22 and the Attorney General a report containing:

23 (A) A compilation of the data submitted by law enforcement
24 agencies and licensed healthcare providers under this section, with the data
25 reported in the aggregate; and

26 (B) A plan to address any backlog of untested sexual
27 assault collection kits and unsubmitted anonymous kits.

28 (2) The report submitted under subdivision (g)(1) of this
29 section shall be presented to the Senate Committee on Public Health, Welfare,
30 and Labor and the House Committee on Public Health, Welfare, and Labor,
31 meeting jointly.

32 (h) This section does not remove confidentiality protection for an
33 alleged victim of a sexual assault or other sex crime otherwise provided
34 under Arkansas or federal laws, rules, or regulations.

35 (i) A medical-legal examination continues to be subject to § 12-12-402
36 and other applicable law.

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/s/Lundstrum