

REFERENCE TITLE: sexual assault kit; victim access

State of Arizona  
Senate  
Fifty-sixth Legislature  
First Regular Session  
2023

## **SB 1645**

Introduced by

Senators Burch: Alston, Bennett, Farnsworth, Fernandez, Gabaldón,  
Gonzales, Kaiser, Marsh, Mendez, Miranda; Representatives Terech, Travers

AN ACT

AMENDING SECTION 13-1426, ARIZONA REVISED STATUTES; RELATING TO SEXUAL  
ASSAULT INVESTIGATIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 13-1426, Arizona Revised Statutes, is amended to  
3 read:

4 13-1426. Sexual assault investigations; collected biological  
5 evidence testing; victim access; definitions

6 A. A health care facility that obtains written consent to release  
7 sexual assault kit evidence shall notify the investigating law enforcement  
8 agency, if known, or the law enforcement agency that has jurisdiction in  
9 that portion of the local unit of government in which the health care  
10 facility is located within forty-eight hours after the sexual assault kit  
11 evidence collection.

12 B. A law enforcement agency that receives notice pursuant to  
13 subsection A of this section must take possession of the sexual assault  
14 kit evidence from the health care facility within five business days after  
15 notification.

16 C. The investigating law enforcement agency must submit the sexual  
17 assault kit evidence to a public accredited crime laboratory for forensic  
18 analysis within fifteen business days after its receipt in all cases in  
19 which a victim reports to law enforcement and law enforcement determines  
20 that a crime occurred.

21 D. All sexual assault ~~examination kits~~ **KIT EVIDENCE** that ~~are~~ **IS**  
22 submitted for analysis must be analyzed as soon as practicable if  
23 sufficient personnel and resources are available.

24 E. The public accredited crime laboratory shall ensure that all  
25 eligible DNA profiles are uploaded into:

26 1. Databases that are maintained by the state law enforcement  
27 agency, if the DNA profile meets the requirements of the state database  
28 comparison policies.

29 2. Databases that are maintained by municipal law enforcement  
30 agencies, if the DNA profile meets the requirements of the municipal crime  
31 laboratory comparison policies.

32 3. The combined DNA index system database established by the  
33 federal bureau of investigation, if the DNA profile meets the requirements  
34 of the bureau's comparison policies.

35 F. A public accredited crime laboratory may contract with a private  
36 accredited crime laboratory, as appropriate, to perform the analysis that  
37 is required by this section, subject to the necessary quality assurance  
38 reviews by the public accredited crime laboratory.

39 G. The failure of a law enforcement agency to submit a request for  
40 analysis within the time limits prescribed by this section does not  
41 constitute grounds in any criminal or civil proceeding to challenge the  
42 validity of a DNA evidence association and a court may not exclude any  
43 evidence obtained from the sexual assault ~~examination~~ kit on those  
44 grounds.

1           H. A person who is accused or convicted of committing a crime  
2 against a victim does not have standing to object to any failure to comply  
3 with this section and such failure is not grounds for setting aside a  
4 conviction or sentence.

5           I. This section does not establish a private right of action or  
6 claim on the part of any individual, entity or agency against any law  
7 enforcement agency or any contractor of a law enforcement agency.

8           J. A PUBLIC ACCREDITED CRIME LABORATORY SHALL PROVIDE OR CAUSE TO  
9 BE PROVIDED A SECURE INTERNET PORTAL THAT ALLOWS A VICTIM TO ANONYMOUSLY  
10 ACCESS THE FOLLOWING INFORMATION RELATING TO THE VICTIM'S SEXUAL ASSAULT  
11 KIT EVIDENCE:

- 12           1. THE CURRENT LOCATION OF THE SEXUAL ASSAULT KIT.
- 13           2. THE DATE OF THE TESTING.
- 14           3. THE RESULTS OF THE TESTING.
- 15           4. WHETHER A DNA PROFILE WAS OBTAINED FROM THE SEXUAL ASSAULT KIT  
16 EVIDENCE.

17           ~~J.~~ K. For the purposes of this section:

18           1. "Law enforcement agency" means the police department of any  
19 state, county, municipality or postsecondary educational institution or  
20 for any agency that has an agreement in place for evidence analysis.

21           2. "Public accredited crime laboratory" means a crime laboratory  
22 that is established pursuant to section 41-1771 or a municipal crime  
23 laboratory.