

# Sexual Assault Testing and Evidence Collection Act

Act 29 of 2019

## Overview

The [Sexual Assault Testing and Evidence Collection Act](#) (SATEC) requires a comprehensive and precise process for testing sexual assault evidence and notifying victims in Pennsylvania. It allows victims to have evidence collected (often known as a rape kit) and tested anonymously, and for the evidence to be held for the full duration of the current statute of limitations. SATEC also requires counties to include strategies to address evidence with unknown jurisdiction and provide victims with the option of anonymous kit collection in their protocols.



## Highlights of SATEC

### Victim notification and rights

SATEC establishes victim notification procedures to be employed by law enforcement. Law enforcement is required to collaborate with sexual assault counselors from local rape crisis centers to ensure victim notification procedures are informed by best practices. Some counties have agreed for victims to be notified by nurses or rape crisis center advocates.

- Allows victims to have evidence collected and tested anonymously.
- Allows victims to consent to testing of the evidence, whether through the Department of Health (DOH) forensic exam paperwork or a separate consent form.
- Requires law enforcement officers to notify victims about the status of evidence, if requested and if contact information provided.
- Requires law enforcement with custody of the kit to collaborate with a sexual assault counselor to employ best practices when notifying a victim of the following information.
- Victims can be notified, if they request to know:
  - when the kit is submitted to the lab for testing;
  - when the lab has received a request to compare the evidence collected from the victim's kit to existing profiles maintained by the Combined DNA Index System (CODIS) or other federal DNA databases;

- if a match is found by comparing evidence collected from the victim to existing profiles maintained by CODIS or other state or federal DNA databases;
  - of intended destruction or disposal of the sexual assault evidence collection kit or its contents. This must happen at least 60 days prior to the date of destruction and the victim must request this notification in writing. This notification may occur over a number of years since evidence will be preserved for the full duration of the Statute of Limitations.
- Provides specific rights of sexual assault victims. Victims have the right to:
    - Not be prevented from having evidence collected
    - Not to be charged for a rape kit
    - Have the evidence preserved at no cost for the duration of the maximum applicable criminal statute of limitations
    - Be informed in writing about policies governing the collection and preservation of a kit
    - Consult with a sexual assault counselor from a rape crisis center
    - Upon written request, receive written notification not later than 60 days before the date of the intended destruction or disposal of the kit
    - Receive information concerning availability and enforcement of protective orders
    - Receive information about victims' compensation and restitution
    - Notification of information about the evidence

## Standards and timelines

- Requires health care facilities to use rape kits that meet the [DOH Minimum Standard Requirements](#).
- Requires the DOH to designate laboratories approved to receive and test sexual assault evidence. The approved laboratories are PA State Police (PSP) Bureau of Forensic Services regional laboratories, Allegheny County Laboratory, and the Philadelphia Police Department Laboratory.
- Requires health care facilities to notify law enforcement within 12 hours of evidence collection for law enforcement to take possession of the evidence.
- Directs law enforcement to take possession of evidence within 72 hours of receiving notice from healthcare facilities.
- Requires hospitals to call 1-877-PAHEALTH to notify the DOH if evidence is not picked up from hospitals by law enforcement within 72 hours.
- Directs law enforcement to submit evidence within 15 days to an approved laboratory, and the laboratory must complete testing within six months.
- Allows evidence to be held for a period of no less than the duration of the maximum applicable criminal statute of limitations.

## Transparency and reporting

- Mandates annual reports on the number of untested backlogged kits. CODIS-participating laboratories are authorized to upload test results into databases to help solve related sexual assault cases.

## County protocols

- Directs local law enforcement and district attorneys to include protocols related to unknown jurisdiction and anonymous kit provisions.
- Directs hospitals to notify PSP if the jurisdiction where the sexual assault occurred is unknown or follow already existing county protocols in cases of unknown jurisdiction.

**Adult victims are now allowed to report anonymously and to have their evidence tested anonymously. Additionally, victims may choose to be notified as their evidence moves through the testing process.**

## How this impacts victims

Victims' rights regarding evidence collection is expanded greatly as a result of the additions to SATEC. The Act now allows victims to report anonymously and to also have their evidence tested anonymously. Additionally, victims may choose to be notified as their evidence moves through the testing process. If the victim does not consent to testing, evidence can be held for a period of no less than the duration of the maximum applicable criminal statute of limitations. All responders to victims of sexual assault have a responsibility to inform victims of their rights. [Sexual Assault Response Teams](#) are victim-centered teams that have been found to provide optimal care to victims of sexual abuse and assault. These collaborative teams should work together in developing protocols and resources that inform victims of their rights, the status of evidence, and supportive services in the community.

## Considerations for anonymous reporting options:

Adult victims have the right to decide what type of reporting and kit testing is in their best interest. Here are some points of consideration when a victim is deciding what is right for them.

- 1 A delay in reporting to law enforcement may affect the investigation. Evidence beyond the rape kit may be lost.
- 2 Results of kit testing may not provide the information a victim is seeking. Evidence or DNA may not be found, but this does not mean an assault did not occur. Results of kit testing cannot be used as sole proof a crime occurred.
- 3 Victims should make the best decision for themselves at the time of the exam. If they change their mind and wish to have their kit tested, they can contact law enforcement and consent to testing.
- 4 If a victim consents to testing, and then changes their mind, they can contact law enforcement and request that testing be stopped. Depending on where the kit is in the testing process, and the circumstances of the case, testing may be stopped.

## How advocates can help victims

- 1 Contact partners in law enforcement to implement existing and new SATEC provisions, particularly around victim notification and ensuring those procedures are guided by best practices.
- 2 Establish and/or join Sexual Assault Response Teams to ensure protocols and practices are victim-centered. They can partner with forensic nurses, district attorneys, and law enforcement in establishing or enhancing existing SARTs.
- 3 Provide information and training to SART partners on SATEC, trauma, and victim-centered notification, interviews, care, and protocols.
- 4 Explain reporting and testing options to the victim at the healthcare setting and in follow-up services. Victims should be fully informed about the options they choose and advocates can help them determine the impact of each option.
- 5 Work with healthcare providers and law enforcement around how to explain the options and how to best inform victims about their choices.
- 6 Spread the word about options beyond the healthcare setting so the general public knows such options exist.