

Introduced by

Senators Erbele, Bakke, Myrdal

Representatives Brandenburg, Meier, Rohr

1 A BILL for an Act to create and enact a new section to chapter 54-12 of the North Dakota  
2 Century Code, relating to a statewide sexual assault evidence collection kit tracking system; to  
3 amend and reenact subsection 5 of section 31-13-03 of the North Dakota Century Code,  
4 relating to the collection of samples of blood or body fluids for DNA testing; and to declare an  
5 emergency.

6 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

7 **SECTION 1. AMENDMENT.** Subsection 5 of section 31-13-03 of the North Dakota Century  
8 Code is amended and reenacted as follows:

9 5. If a sample of blood or body fluids collected under this section does not contain  
10 sufficient material necessary to obtain accurate DNA identification, the crime  
11 laboratory may request a law enforcement officer or correctional personnel collect  
12 another sample for analysis and inclusion in the law enforcement identification  
13 databases.

14 **SECTION 2.** A new section to chapter 54-12 of the North Dakota Century Code is created  
15 and enacted as follows:

16 **Statewide sexual assault evidence collection kit tracking system - Exception.**

17 1. The state crime laboratory shall develop and implement a statewide sexual assault  
18 evidence collection kit tracking system. The director of the state crime laboratory may  
19 contract with public or private entities, including private software and technology  
20 providers for the creation, operation, and maintenance of the system.

21 2. All medical providers, law enforcement agencies, forensic laboratories, or other  
22 persons or entities that collect evidence for, or receive, store, analyze, maintain, or  
23 preserve sexual assault kits, shall participate in the statewide sexual assault evidence  
24 collection kit tracking system for the purpose of tracking the location and status of all

- 1           sexual assault kits in their custody. Participation must begin according to the  
2           implementation schedule established by the state crime laboratory.
- 3        3.   The statewide sexual assault evidence collection kit tracking system must:
- 4           a.   Track the location and status of each sexual assault kit throughout the criminal  
5           justice process, including the initial collection during examinations performed at  
6           medical facilities, receipt and storage at law enforcement agencies, receipt and  
7           analysis at forensic laboratories, storage, and any destruction of the kit after the  
8           applicable evidence is analyzed;
- 9           b.   Allow participating entities that have custody of sexual assault kits to update and  
10          track the status and location of the kits;
- 11          c.   Allow victims of sexual assault to track or receive updates anonymously  
12          regarding the status of their sexual assault kits; and
- 13          d.   Use electronic or other technologies that allow for continuous access.
- 14        4.   The state crime laboratory may phase in the requirement of initial participation in the  
15          statewide sexual assault evidence collection kit tracking system according to region,  
16          volume of sexual assault forensic evidence kits, or other appropriate classifications. All  
17          law enforcement agencies, medical providers, forensic laboratories, or other persons  
18          that collect evidence for, or receive, store, analyze, maintain, or preserve sexual  
19          assault forensic evidence kits are required to participate fully in the tracking system  
20          within one year of the tracking system's initial date of operation.
- 21        5.   Annually, the state crime laboratory shall post a report on the statewide sexual assault  
22          evidence collection kit tracking system on the attorney general's website. The report  
23          must include:
- 24           a.   Total number of sexual assault kits in the system statewide and by jurisdiction;
- 25           b.   Total and semiannual number of sexual assault kits where forensic analysis has  
26           been completed both statewide and by jurisdiction;
- 27           c.   Number of sexual assault kits added to the system in the reporting period both  
28           statewide and by jurisdiction;
- 29           d.   Total and semiannual number of sexual assault kits where forensic analysis has  
30           been requested but not completed both statewide and by jurisdiction; and

1           e. Total and semiannual number of sexual assault kits destroyed or removed from  
2           the system both statewide and by jurisdiction.

3           6. Records and information within the tracking system described in this section are  
4           exempt from disclosure under section 44-04-18.

5           **SECTION 3. EMERGENCY.** This Act is declared to be an emergency measure.