

SENATE FILE NO. SF0072

Sexual assault biological evidence reporting.

Sponsored by: Senator(s) Ellis, Anselmi-Dalton, Biteman,
Driskill and Gierau and Representative(s)
Duncan, Greear, Kinner, Lindholm, Newsome,
Olsen, Salazar and Schwartz

A BILL

for

1 AN ACT relating to criminal history records; requiring
2 statistical reports relating to sexual assault biological
3 evidence and the status of laboratory analysis; providing for
4 publication; amending payment obligations for examination
5 costs; prohibiting the destruction of evidence as specified;
6 providing definition; making conforming amendments; and
7 providing for effective dates.

8

9 *Be It Enacted by the Legislature of the State of Wyoming:*

10

11 **Section 1.** W.S. 7-19-407 is created to read:

12

13 **7-19-407. Sexual assault biological evidence reports.**

14

1 (a) Beginning January 1, 2020, each criminal justice
2 agency shall report to the division all investigations in
3 which sexual assault biological evidence is gathered. The
4 report shall include the type of crime involved, whether the
5 evidence was submitted to a laboratory for analysis, the name
6 of the lab, whether lab analysis has been completed, and if
7 not submitted, the reasons for nonsubmission and any other
8 information required by the division. Reports shall not
9 include the names of any of the persons involved in an
10 incident or any information which would serve to identify any
11 individual person.

12

13 (b) At least annually, the division shall compile a
14 statistical report that shall include the information
15 received pursuant to subsection (a) of this section. Copies
16 of the statistical report shall be published in the "Uniform
17 Crime Reporting, Crime in Wyoming" publication and shall be
18 made available to the public upon request.

19

20 **Section 2.** W.S. 6-2-309(g)(intro) and by creating a new
21 subsection (n) and 7-19-401(a) by creating a new paragraph
22 (xii) and by amending and renumbering (xii) as (xiii) are
23 amended to read:

1

2 **6-2-309. Medical examination of victim; costs; use of**
3 **report; minors; rights of victims; reimbursement.**

4

5 (g) Except as provided by subsection (j) of this
6 section, the costs of any examination relating to the
7 investigation or prosecution of a sexual assault shall be
8 billed to and paid by the victim services division of the
9 office of the attorney general contingent upon available
10 funding. The victim services division shall promulgate any
11 rules necessary to effectuate payments required under this
12 subsection. If victim services division funds are no longer
13 available to meet the purposes of this subsection, the cost
14 of any examination relating to the investigation or
15 prosecution of sexual assault shall be bill to and paid by
16 the investigating law enforcement agency. These examination
17 costs shall include the following:

18

19 (n) No evidence collected under subsection (a) of this
20 section shall be destroyed until all applicable statutes of
21 limitation have expired or a court orders the destruction.

22

23 **7-19-401. Definitions.**

1

2 (a) For purposes of this act:

3

4 (xii) "Sexual assault biological evidence"
5 includes DNA samples and evidence gathered during an
6 examination conducted under W.S. 6-2-309;

7

8 ~~(xii)~~(xiii) "This act" means W.S. 7-19-401 through
9 ~~7-19-406~~7-19-407.

10

11 **Section 3.** On or before September 1, 2019, the division
12 shall prescribe a form for the report required by W.S.
13 7-19-407(a) and promulgate any rules necessary to effectuate
14 the reporting required by this act.

15

16 **Section 4.**

17

18 (a) Except as provided in subsection (b) of this
19 section, this act is effective July 1, 2019.

20

1 (b) Section 3 of this act is effective immediately upon
2 completion of all acts necessary for a bill to become law as
3 provided by Article 4, Section 8 of the Wyoming Constitution.

4

5

(END)