

# 2016 SESSION

INTRODUCED

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## HOUSE BILL NO. 655

Offered January 13, 2016

Prefiled January 11, 2016

A *BILL to amend the Code of Virginia by adding in Chapter 13 of Title 9.1 a section numbered 9.1-1302, relating to collection and storage of physical evidence recovery kits.*

Patrons—Filler-Corn, Murphy, Spruill and Watts

Referred to Committee for Courts of Justice

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding in Chapter 13 of Title 9.1 a section numbered 9.1-1302 as follows:**

**§ 9.1-1302. Collection and storage of physical evidence recovery kits.**

*The Virginia Department of State Police, the police and sheriff's departments of every political subdivision in the Commonwealth, and every campus police department established in accordance with § 23-232 shall be required to collect any evidence obtained in sexual assault investigations, including the collection and storage of evidence from physical evidence recovery kits in sexual assault investigations where the victim elects, at the time of the examination, not to report the sexual assault to a law-enforcement agency. In cases where the victim elects, at the time of the examination, not to report the sexual assault to a law-enforcement agency, the law-enforcement agency shall send the physical evidence recovery kit to the Division of Consolidated Laboratory Services of the Virginia Department of General Services, which shall retain the kit for a minimum of five years from the date of receipt or a minimum of five years after the victim reaches the age of majority if the victim was a minor at the time of collection, whichever is longer. If the victim elects, at the time of the examination, to report the sexual assault to law-enforcement, the law-enforcement agency shall send the physical evidence recovery kit to the Department of Forensic Science for analysis and upon return of the kit to the submitting law-enforcement agency the agency shall retain the kit for a minimum of five years from the date of receipt or a minimum of five years after the victim reaches the age of majority if the victim was a minor at the time of collection, whichever is longer.*

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