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SENATE BILL NO. 158

Offered January 13, 2016

Prefiled December 29, 2015

A BILL to amend and reenact § 9.1-1301 of the Code of Virginia, relating to evidence in sexual assault investigations; collection and storage of evidence.

Patrons—Favola, Locke and Saslaw; Delegates: Kory, Krizek and Levine

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 9.1-1301 of the Code of Virginia is amended and reenacted as follows:

§ 9.1-1301. Sexual assault policies for law-enforcement agencies in the Commonwealth.

A. The Virginia Department of State Police and the police and sheriff's departments of every political subdivision in the Commonwealth and every campus police department shall establish written policies and procedures regarding a law-enforcement officer's response to an alleged criminal sexual assault in violation of Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2. Such policies shall, at a minimum, provide guidance as to the department's policy on (i) training; (ii) compliance with §§ 19.2-9.1 and 19.2-165.1; (iii) transportation of alleged sexual assault victims; and (iv) the provision of information on legal and community resources available to alleged victims of sexual assault.

B. *The Department of State Police, the police and sheriff's departments of every political subdivision in the Commonwealth, and every campus police department shall submit all physical evidence recovery kits that have not been submitted to the Department of Forensic Science that are in their custody on July 1, 2016, and all physical evidence recovery kits that come into their custody after July 1, 2016, to the Department of Forensic Science for analysis. Forensic evidence that does not meet the standards for retention in a state or national data bank shall be returned to the law-enforcement agency that submitted the physical evidence recovery kit, which shall store such kit whether or not the victim has reported the sexual assault to law enforcement.*

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