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MEMORANDUM

To: House Committee on Judiciary

From: Office of Revisor of Statutes

Date: February 15, 2021

Subject: Bill Brief on HB 2228

HB 2228 requires law enforcement agencies to adopt a policy regarding the submission of sexual assault evidence kits and allows evidence collection at child advocacy centers and other facilities.

New Section 1 requires law enforcement agencies to adopt a written policy requiring submission of all sexual assault kits that correspond to a law enforcement report of sexual assault to an accredited forensic laboratory. The policy shall ensure that all kits are submitted within 30 business days and include a procedure to ensure the results are received by the investigating officer. All law enforcement agencies are required to collaborate with the county or district attorney regarding the content of the policies. Policies shall be made available to all officers employed by the agency and to the public. Such policies shall be adopted and implemented prior to July 1, 2022.

Section 2 amends K.S.A. 38-2227 to require child advocacy centers be recognized by the national children's alliance, to provide for evidence collection for physical, mental, emotional or sexual abuse, including sexual assault evidence collection, and to provide referrals for medical examination services or evidence collection not at the child advocacy center.

Section 3 amends K.S.A. 65-448 to allow sexual assault evidence collection at a child advocacy center or any other facility licensed pursuant to chapter 65 of the Kansas Statutes Annotated. The bill also removes the requirement that the department of health and environment cooperate with the Kansas bureau of investigation in establishing procedures for gathering evidence. All unreported sexual assault kits would be retained by the Kansas bureau of investigation for 20 years. Sexual assault evidence kits received by the Johnson county criminalistics laboratory, Sedgwick county regional forensic science center or the Kansas bureau

of investigation shall be examined if the kit is required to be released to law enforcement in connection with a report of sexual assault. The bill also defines “unreported sexual assault kit” as a kit collected pursuant to subsection (b) that is not released to law enforcement and “sexual assault” as a sexual offense cognizable as a violation of rape, sodomy, indecent liberties with a child or incest.