

SPONSOR: Sen. Poore & Sen. Henry & Sen. Blevins & Sen. McDowell & Sen. Townsend & Rep. Heffernan & Rep. Keeley & Rep. Hudson;
Sens. Hall-Long, Peterson, Cloutier; Reps. Longhurst, Bolden, K. Williams, Bennett, Briggs King, Osienski, Kowalko, Paradee, Baumbach

DELAWARE STATE SENATE
148th GENERAL ASSEMBLY
SENATE JOINT RESOLUTION NO. 1

ESTABLISHING A REPORTING DEADLINE FOR INFORMATION ON UNTESTED AND UNSUBMITTED SEXUAL ASSAULT COLLECTION KITS AND ESTABLISHING A COMPREHENSIVE PROGRAM TO IMPROVE THE QUALITY OF RESPONSE TO ALL REPORTS OF SEXUAL ASSAULTS RELATED THERETO.

WHEREAS, the successful prosecution of sexual offenses and serial sexual offenders is vital to public safety; and

WHEREAS, the United States Department of Justice estimates that there are approximately 100,000 backlogged sexual assault examination kits awaiting testing throughout the country; and

WHEREAS, preventing a backlog of untested or unsubmitted sexual assault examination kits is essential to the administration of justice in the State of Delaware.

NOW, THEREFORE, BE IT RESOLVED by the Senate and the House of Representatives of the 148th General Assembly of the State of Delaware, with the approval of the Governor, that every law enforcement agency, law department, hospital, testing facility, and prosecutorial agency responsible for the collection, storage, or maintenance of sexual assault examination kits shall file a written report with the State Attorney General's Office identifying the number of all untested and unsubmitted sexual assault examination kits in custody that have not been sent by September 1, 2015 to the Division of Forensic Science or its predecessor, the Office of the Chief Medical Examiner, or another testing facility for either serology or deoxyribonucleic acid testing and identifying the date each kit was collected.

BE IT FURTHER RESOLVED that, to facilitate the written reports, by August 1, 2015, the Criminal Justice Council (CJC), with support and cooperation from the State Attorney General's Office, shall prepare a checklist for the reporting entities to use in categorizing, counting, and prioritizing the order for testing of the sexual assault examination kits.

BE IT FURTHER RESOLVED that the reporting entities shall use the checklist to provide the written report to the CJC by October 15, 2015.

BE IT FURTHER RESOLVED that no report generated pursuant to this Resolution shall contain any personal or identifying information of any victim.

BE IT FURTHER RESOLVED that the information collected by the CJC shall not be disclosed to the public unless it is aggregated so that sensitive information for individuals cannot be determined.

BE IT FURTHER RESOLVED that the CJC shall submit a report to the Governor, Attorney General, and the General Assembly by January 11, 2016. This report shall identify in aggregate the information in the written reports and checklists provided to the Attorney General's Office regarding the number and dates of all untested and unsubmitted sexual assault examination kits in custody that have not been sent by September 1, 2015 to the Division of Forensic Science or its predecessor, the Office of the Chief Medical Examiner, or another testing facility for either serology or deoxyribonucleic acid testing and identifying the date each kit was collected.

BE IT FURTHER RESOLVED that the CJC shall engage with law enforcement, forensic medical personnel, forensic laboratory personnel, prosecutors, and victim advocates in order to identify strategies that would result in enacting systematic changes to eliminate or reduce the number of untested or unsubmitted sexual assault kits.

BE IT FURTHER RESOLVED that the governmental entities, forensic laboratories, testing facilities, law enforcement agencies, and hospitals shall cooperate reasonably with the information gathering under this Resolution. The State Attorney General's Office shall have the authority to subpoena any entity or agency that fails or refuses to reasonably cooperate.

BE IT FURTHER RESOLVED that the CJC shall submit a report to the Governor, Attorney General, and the General Assembly by June 1, 2016. This report shall identify a comprehensive program to improve the criminal justice response to sexual assaults in Delaware.

SYNOPSIS

This Joint Resolution requires every law enforcement agency, law department, hospital, testing facility, and prosecutorial agency to report to the Attorney General's Office the number of unexamined sexual assault kits and their date of collection. The Criminal Justice Council will then prepare an aggregated report by January 11, 2016. The Resolution then requires the Criminal Justice Council to develop strategies which will improve the response from the medical and criminal justice communities to reports of sexual assault in the State.

Author: Senator Poore