



320 7th Avenue, #161
Brooklyn, NY 11215
(212) 475-2026
joyfulheartfoundation.org

Board of Directors:

Mariska Hargitay
Founder & President

Beth Armstrong
Chair

Kym Worthy
Vice Chair

Elizabeth Rice Grossman
Treasurer

Chauncey Parker
Secretary

Jessica Ambrose

Lauran Bromley

Cynthia Erivo

Kathryn Gallagher

Peter Hermann

Danielle Herzlich

Mark Herzlich

Andrea McTamaney

Rev. Al Miles

Debbie Millman

Heather Mnuchin

Pamela Schein Murphy

Tom Nunan

Sarabeth Rees

Robin Renzi

Sophia Schrager

Amanda Stephens

Ali Wentworth

March 25, 2024

Members of the House Criminal Justice Subcommittee
520 Cordell Hull Building
425 Rep. John Lewis Way North
Nashville, TN 37243

Honorable Chair Doggett and Members of the Subcommittee,

The Joyful Heart Foundation strongly supports House Bill 2601, which would bring transparency and accountability to rape kit testing practices in jurisdictions across Tennessee, mandate the testing of backlogged kits, and require the crime labs to test newly collected kits within 90 days.

Every 68 seconds, someone is sexually assaulted in the United States. In the immediate aftermath of a sexual assault, a victim may choose to undergo a medical forensic examination to collect evidence left behind in the assault. A doctor or nurse will conduct the examination, which can last between four and six hours, and collect evidence in a sexual assault kit (also known as SAK and a rape kit). DNA evidence is an invaluable investigative tool. When tested, rape kit evidence can identify an unknown assailant, reveal serial offenders, and exonerate the wrongfully convicted. Too often, however, rape kits are left untested on evidence room shelves.

In 2014, TBI announced it had 9,062 untested kits in law enforcement storage statewide. Since then, there were no reports on the statewide number of untested rape kits. Currently, there is no mandated timeline for the lab to test newly collected kits. We do not know if the state is testing its backlogged kits, what happened to the more than 9000 backlogged kits found in 2014, and if there is a new backlog piling up.

HB2601 would require an annual report that includes findings from the annual inventory of untested rape kits, the information on the average number of days required for testing a SAK over the prior calendar year, the number of untested kits that will not be tested within the required period of time, and recommendations for how best to meet the requirements. The bill also requires all previously untested kits submitted prior to July 1, 2024, to be tested by January 1, 2025, prioritizing kits that are related to ongoing investigation.

Another requirement under the bill is for TBI to test each newly collected SAK within 90 days of receipt from law enforcement. Currently, there is no timeline or no requirement for the lab to test newly collected rape kits. The bill allows the TBI crime laboratories to outsource to an accredited private crime laboratory if they fail to meet the 90-day timeline. The bill also extends anonymous kits' retention timeline from 10 years to 25 years.

To date, 36 states and Washington, D.C. have enacted legislation mandating a statewide inventory of untested rape kits, 19 states and DC ended their backlog, while 22 states have mandated testing timelines for crime labs. With this bill, Tennessee is poised to join these states in bringing more transparency to the rape kit handling system.

This new bill also has victim compensation provisions. Under this new bill, alternative forms of reporting the crime are accepted in the victim compensation application, such as court documents, orders of protection, rape kit, participation in the home address verification program, and documentation of reporting to a licensed medical, health care, or tribal health provider within 180 days. The bill also extends the victim compensation filing timeline from one to two years after the crime, and to 12 years for child victims.

We urge the committee to vote in favor of this important legislation. The Joyful Heart Foundation thanks you for your efforts to uncover the extent of the backlog in Tennessee and we offer our support and guidance as you embark on this journey to achieve comprehensive rape kit reform.

Sincerely,

Burcu Sagiroglu, MPP
Policy and Advocacy Associate
Joyful Heart Foundation
(212) 475-2026
b.sagiroglu@joyfulheartfoundation.org