

299C.106 SEXUAL ASSAULT EXAMINATION KIT HANDLING.

Subdivision 1. **Definitions.** (a) As used in this section, the terms in this subdivision have the meanings given.

(b) "Forensic laboratory" has the meaning given in section 299C.157, subdivision 1, clause (2).

(c) "Patient" has the meaning given in section 144.291, subdivision 2, paragraph (g), and means a person who consents to a sexual assault examination.

(d) "Release form" means a document provided by the hospital to the patient at the time of the sexual assault examination that gives the patient the option of authorizing, in writing, the release of the kit to law enforcement.

(e) "Restricted sexual assault examination kit" means a kit that does not have an accompanying release form signed by the patient authorizing law enforcement to submit the kit to a forensic laboratory. A health care professional shall provide the patient with information about how to convert a restricted sexual assault examination kit to unrestricted status.

(f) "Sexual assault examination kit" means a collection of evidence, including biological material, gathered from a patient by a health care professional.

(g) "Submitted sexual assault examination kit" means an unrestricted kit that has been submitted by law enforcement to a forensic laboratory.

(h) "Unrestricted sexual assault examination kit" means a kit that has an accompanying release form signed by the patient allowing law enforcement to submit the kit to a forensic laboratory.

(i) "Unsubmitted sexual assault examination kit" means an unrestricted kit that has not been submitted by law enforcement to a forensic laboratory.

Subd. 2. **Transfer of unrestricted sexual assault examination kit from health care professional to law enforcement agency.** When a sexual assault examination is performed, evidence is collected, and the patient requests that law enforcement officials be notified and signs a release form, the individual performing the examination, or the individual's designee, shall notify the appropriate law enforcement agency of the collection of the evidence in an unrestricted sexual assault examination kit. The agency must retrieve an unrestricted sexual assault examination kit from the health care professional within ten days of receiving notice that the kit is available for transfer. Notification to the agency shall be made in writing, by telephone, or by electronic communication.

Subd. 3. **Submission of unrestricted sexual assault examination kit.** Within 60 days of receiving an unrestricted sexual assault examination kit, a law enforcement agency shall submit the kit for testing to a forensic laboratory, unless the law enforcement agency deems the result of the kit would not add evidentiary value to the case. If a kit is not submitted during this time, the agency shall make a record, in consultation with the county attorney, stating the reasons why the kit was not submitted. Restricted sexual assault examination kits shall not be submitted for testing.

Subd. 4. **No basis for dismissal or bar to admissibility of evidence.** Failure to meet a deadline established in this section is not a basis for dismissal of a criminal action or a bar to the admissibility of the evidence in a criminal action.

History: 2018 c 160 s 2