



Idaho State Police

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Colonel Kedrick R. Wills
Director

Brad Little
Governor

To: Idaho Medical Providers, SANE's, and Victim Advocates

RE: House Bill No. 116 (2019) Testing and Retention of Sexual Assault Evidence Kits

From: Matthew Gamette, Idaho State Police Forensic Services Laboratory System Director *wag*

Effective Date: July 1, 2019

July 1st, 2019, House Bill No. 116 (2019), Testing and Retention of Sexual Assault Evidence Kits, is in effect. Changes to existing practice include the following; 1) the waiver for victims to decline forensic laboratory testing of their sexual assault evidence kit is discontinued, 2) the bill provides victims with two options for Sexual Assault Evidence Kit collection;

- A) Anonymous Victim: no report to law enforcement, SAEK is collected as Jane/John Doe, kit is sent to law enforcement without victim name, and stored for 55 years.
- B) Known Victim: report to law enforcement, kit collected as a known victim, and kit is sent to law enforcement with all pertinent victim information.

In order to remain anonymous, an adult victim must request an anonymous kit collection prior to law enforcement involvement. If the victim or a medical provider has reported the sexual assault to law enforcement, the victim no longer has the option to remain anonymous. Health care providers should carefully explain the options to the victim before law enforcement contact is made. Minor victims, age 17 years 364 days and younger, DO NOT have the option to have a kit collected anonymously. All sexual assaults of minors must be reported to law enforcement and cannot remain anonymous.

Anonymous kits should be labeled as Jane Doe or John Doe inside and outside the kit. All kits must still be turned over to law enforcement as quickly as possible after the exam. Medical provides may not provide law enforcement with any victim information when handing over anonymously collected kits. The medical record kept by the hospital for the victim must reference the sexual assault kit tracking number so that the evidence can be linked back to a victim name if the victim chooses to report the sexual assault at a later date.

Anonymous kits must be stored by law enforcement for 55 years. Within those 55 years, the victim may report the sexual assault to law enforcement and have their kit converted from anonymous to known. Again, it is critical that the medical facility records the kit number in the medical file for the victim/patient so that the kit number can be joined with the victim name at a later date, if necessary.

We encourage you to read and familiarize yourselves and your agencies with the new legislation. Please contact Idaho SANE/SART Coordinator Anne Wardle anne.wardle@isp.idaho.gov or IKTS Administrator Christina Straub christina.straub@isp.idaho.gov with any questions.