

**Sixty-seventh Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 5, 2021**

SENATE BILL NO. 2281
(Senators Erbele, Bakke, Myrdal)
(Representatives Brandenburg, Meier, Rohr)

AN ACT to create and enact a new section to chapter 54-12 of the North Dakota Century Code, relating to a statewide sexual assault evidence collection kit tracking system; to amend and reenact subsection 5 of section 31-13-03 of the North Dakota Century Code, relating to the collection of samples of blood or body fluids for DNA testing; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 5 of section 31-13-03 of the North Dakota Century Code is amended and reenacted as follows:

5. If a sample of blood or body fluids collected under this section does not contain sufficient material necessary to obtain accurate DNA identification, the crime laboratory may request a law enforcement officer or correctional personnel collect another sample for analysis and inclusion in the law enforcement identification databases.

SECTION 2. A new section to chapter 54-12 of the North Dakota Century Code is created and enacted as follows:

Statewide sexual assault evidence collection kit tracking system - Exception.

1. The state crime laboratory shall develop and implement a statewide sexual assault evidence collection kit tracking system. The director of the state crime laboratory may contract with public or private entities, including private software and technology providers for the creation, operation, and maintenance of the system.
2. All medical providers, law enforcement agencies, forensic laboratories, or other persons or entities that collect evidence for, or receive, store, analyze, maintain, or preserve sexual assault kits, shall participate in the statewide sexual assault evidence collection kit tracking system for the purpose of tracking the location and status of all sexual assault kits in their custody. Participation must begin according to the implementation schedule established by the state crime laboratory.
3. The statewide sexual assault evidence collection kit tracking system must:
 - a. Track the location and status of each sexual assault kit throughout the criminal justice process, including the initial collection during examinations performed at medical facilities, receipt and storage at law enforcement agencies, receipt and analysis at forensic laboratories, storage, and any destruction of the kit after the applicable evidence is analyzed;
 - b. Allow participating entities that have custody of sexual assault kits to update and track the status and location of the kits;
 - c. Allow victims of sexual assault to track or receive updates anonymously regarding the status of their sexual assault kits; and
 - d. Use electronic or other technologies that allow for continuous access.
4. The state crime laboratory may phase in the requirement of initial participation in the statewide sexual assault evidence collection kit tracking system according to region, volume of sexual

assault forensic evidence kits, or other appropriate classifications. All law enforcement agencies, medical providers, forensic laboratories, or other persons that collect evidence for, or receive, store, analyze, maintain, or preserve sexual assault forensic evidence kits are required to participate fully in the tracking system within one year of the tracking system's initial date of operation.

5. Annually, the state crime laboratory shall post a report on the statewide sexual assault evidence collection kit tracking system on the attorney general's website. The report must include:
 - a. Total number of sexual assault kits in the system statewide and by jurisdiction;
 - b. Total and semiannual number of sexual assault kits where forensic analysis has been completed both statewide and by jurisdiction;
 - c. Number of sexual assault kits added to the system in the reporting period both statewide and by jurisdiction;
 - d. Total and semiannual number of sexual assault kits where forensic analysis has been requested but not completed both statewide and by jurisdiction; and
 - e. Total and semiannual number of sexual assault kits destroyed or removed from the system both statewide and by jurisdiction.
6. Records and information within the tracking system described in this section are exempt from disclosure under section 44-04-18.

SECTION 3. EMERGENCY. This Act is declared to be an emergency measure.

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Sixty-seventh Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2281 and that two-thirds of the members-elect of the Senate voted in favor of said law.

Vote: Yeas 45 Nays 0 Absent 2

President of the Senate

Secretary of the Senate

This certifies that two-thirds of the members-elect of the House of Representatives voted in favor of said law.

Vote: Yeas 91 Nays 0 Absent 3

Speaker of the House

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 2021.

Approved at _____ M. on _____, 2021.

Governor

Filed in this office this _____ day of _____, 2021,

at _____ o'clock _____ M.

Secretary of State