

DISPOSITION OF POTENTIAL EVIDENCE

2008 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Tim M. Cosgrove

Senate Sponsor: Ross I. Romero

LONG TITLE

General Description:

This bill allows law enforcement agencies to destroy sexual assault forensic examination evidence after a specific period of time and notice to the victim.

Highlighted Provisions:

This bill:

▶ allows law enforcement agencies to dispose of sexual assault forensic examinations after ~~H→~~ [90] 120 ~~←H~~ days have passed and ~~H→~~ [~~no case has been filed~~] the victim has not contacted the law

enforcement agency ~~←H~~ ;

▶ requires the agency to inform the victim of a sexual assault that the examination with all documents and physical evidence may be destroyed after a period of time; and

▶ allows the victim of a sexual assault to receive back any clothing or personal affects kept as part of the examination, if the victim so chooses.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

77-24-6, Utah Code Annotated 1953



H.B. 181

28 *Be it enacted by the Legislature of the state of Utah:*

29 Section 1. Section **77-24-6** is enacted to read:

30 **77-24-6. Disposition of sexual assault forensic examinations.**

31 (1) Law enforcement agencies that receive sexual assault forensic examination
32 evidence from a facility that conducts sexual assault forensic examinations may dispose of all
33 documents and physical evidence after ~~H→~~ [90] 120 ~~←H~~ days from the date of receipt if the victim:

- 34 (a) was 18 years of age or older at the time of the examination; and
- 35 (b) has not contacted the law enforcement agency to report the criminal offense.

36 (2) Disposal may consist of:

- 37 (a) destruction of all documents and physical evidence; or
- 38 (b) returning to the victim any clothing or other personal affects received during the
39 examination and destruction of the rest of the documents and physical evidence.

40 (3) The victim of a sexual assault shall be notified that the contents of the examination
41 may be destroyed after ~~H→~~ [90] 120 ~~←H~~ days:

- 42 (a) at the time of the examination; and
- 43 (b) at least 14 days before destruction by letter mailed through the U.S. Postal Service
44 to the address given during the examination.

45 (4) Law enforcement agencies that destroy sexual assault forensic examination
46 evidence in accordance with this statute may not be held liable for the destruction of potential
47 evidence in a proceeding regarding the sexual assault of a victim.

Legislative Review Note
as of 1-30-08 5:10 PM

Office of Legislative Research and General Counsel

H.B. 181 - Disposition of Potential Evidence

Fiscal Note

2008 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.
