

118TH CONGRESS
1ST SESSION

H. R. 5721

To amend the Omnibus Crime Control and Safe Streets Act of 1968 to
require certain reporting on sexual assault kit testing.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 26, 2023

Ms. MACE (for herself, Ms. LEE of California, Mrs. CHAVEZ-DEREMER, Ms. ADAMS, Ms. BROWNLEY, Ms. ESHOO, Ms. SALINAS, Mrs. MCBATH, Ms. BALINT, Mr. VAN DREW, Ms. ESCOBAR, Ms. KELLY of Illinois, Ms. LEE of Florida, Mr. DONALDS, Mr. FITZPATRICK, Mr. MOYLAN, Mrs. LESKO, Ms. LEE of Nevada, Mr. JACKSON of North Carolina, Mr. SMITH of New Jersey, Ms. TLAIB, Ms. KAMLAGER-DOVE, Ms. PRESSLEY, Mr. ZINKE, Ms. VAN DUYNE, and Ms. ROSS) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend the Omnibus Crime Control and Safe Streets
Act of 1968 to require certain reporting on sexual as-
sault kit testing.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Rape Kit Backlog
5 Progress Act of 2023”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

(1) A sexual assault kit includes a sexual assault forensic exam meaning an examination provided to a sexual assault patient by a health care provider, who has specialized education and clinical experience in the collection of forensic evidence and treatment of these patients, which includes—

(A) gathering information from the patient for the medical forensic history;

(B) an examination;

(C) coordinating treatment of injuries, documentation of biological and physical findings, and collection of evidence from the patient;

(D) documentation of findings;

(E) providing information, treatment, and referrals for sexually transmitted infections, pregnancy, suicidal ideation, alcohol and substance abuse, and other non-acute medical concerns; and

(F) providing follow-up as needed to provide additional healing, treatment, or collection of evidence.

(2) A sexual assault kit is an important forensic tool used by law enforcement and prosecutors to investigate and prosecute sexual assault and other crimes.

1 (3) It is estimated that there are currently well
2 over 100,000 untested sexual assault kits in Amer-
3 ica, but the exact number is not known.

4 (4) Untested sexual assault kits means that
5 there are sexual assaults unprosecuted, sexual as-
6 saults occurring that could have been prevented, and
7 a delay in uploading DNA to Combined DNA Index
8 System (commonly known as “CODIS”) that can as-
9 sist law enforcement in solving other violent crimes.

10 **SEC. 3. REPORT TO ATTORNEY GENERAL REQUIRED ON**
11 **SEXUAL ASSAULT KIT TESTING.**

12 Section 502 of the Omnibus Crime Control and Safe
13 Streets Act of 1968 (34 U.S.C. 10153) is amended—

14 (1) in subsection (a), by adding at the end the
15 following:

16 “(7) A report indicating whether—

17 “(A) the State or unit of local government
18 has conducted a comprehensive sexual assault
19 kit inventory, commonly known as a ‘backlog
20 inventory’, to identify the physical location, un-
21 tested or tested status (or full sexual assault kit
22 status, if available), and any individual test kit
23 identification or tracking information of each
24 sexual assault kit in the possession of such
25 State or unit of local government, or that has

1 been otherwise transmitted by a State or unit
2 of local government to a third party, such as
3 for testing, storing, processing, or handling;

4 “(B) with respect to each sexual assault
5 kit, that the victim has consented to have col-
6 lected, the State or unit of local government
7 has submitted each such sexual assault kit to a
8 laboratory for DNA analysis;

9 “(C) results of any such DNA analysis
10 were uploaded to the Combined DNA Index
11 System;

12 “(D) the State or unit of local government
13 has established an electronic tracking system
14 for a victim to identify the physical location of
15 their sexual assault kit and the results of any
16 DNA analysis that was performed;

17 “(E) the State or unit of local government
18 has established a victim notification protocol for
19 informing a victim of the status of their sexual
20 assault kit, including where their sexual assault
21 kit was analyzed;

22 “(F) the State or unit of local government
23 has in place a comprehensive sexual assault kit
24 inventory system to identify sexual assault kit
25 status, physical location, and any test kit iden-

tification or tracking information of each sexual assault kit in the possession of such State or unit of local government, or otherwise transmitted by a State or unit of local government to a third party, such as for testing, storing, processing, or handling; and

“(G) the information in any comprehensive sexual assault kit inventory system described in subparagraph (F) is updated, and how and when it is updated.”; and

(2) by adding at the end the following:

“(c) DETERMINATION BY ATTORNEY GENERAL.—

Between the receipt of a grant application and deciding on such application, the Attorney General shall determine—

“(1) if the State or unit of local government has completed the conduct described under subsection (a)(7); and

“(2) if such conduct has not been completed, the reason that it has not been completed.

“(d) ELIGIBILITY.—A State or unit or local government shall only be eligible for a grant under this subpart if the Attorney General determines such State or unit of local government has completed the conduct described under subsection (a)(7).

1 “(e) REQUIREMENT FOR GRANT RECIPIENTS.—A
2 State or unit of local government that has been awarded
3 a grant under this subpart as of the date of the enactment
4 of the ‘Rape Kit Backlog Progress Act of 2023’ shall have
5 one calendar year from such date of enactment to com-
6 plete the conduct described in subsection (a)(7) or such
7 State or unit of local government shall become ineligible
8 for a grant under this subpart.

9 “(g) DEFINITIONS.—In this section:

10 “(1) SEXUAL ASSAULT KIT.—The term ‘sexual
11 assault kit’ means evidence gathered by a medical
12 professional from a victim following a sexual assault,
13 which evidence may—

14 “(A) include swabs, test tubes, microscopic
15 slides, and evidence collection envelopes, for
16 hairs and fibers; and

17 “(B) vary in accordance with the cir-
18 cumstances of the sexual assault and with any
19 applicable rules or procedures of the jurisdic-
20 tion.

21 “(2) SEXUAL ASSAULT KIT STATUS.—The term
22 ‘sexual assault kit status’ means whether an indi-
23 vidual sexual assault kit is—

24 “(A) collected and untested;

25 “(B) collected and tested;

1 “(C) lost or missing, expired or spoiled; or
2 “(D) tested and results reported to the vic-
3 tim, proper authorities, and the Combined DNA
4 Index System.”.

5 **SEC. 4. ATTORNEY GENERAL PUBLIC REPORT ON RAPE KIT**
6 **BACKLOGS.**

7 Subpart 1 of part E of title I of the Omnibus Crime
8 Control and Safe Streets Act of 1968 (34 U.S.C. 10151
9 et seq.) is amended by adding at the end the following:
10 **“SEC. 510. ATTORNEY GENERAL PUBLIC REPORT ON RAPE**
11 **KIT BACKLOGS.**

12 “(a) IN GENERAL.—Beginning not later than two
13 years after the date of the enactment of the ‘Rape Kit
14 Backlog Progress Act of 2023’, and annually thereafter,
15 the Attorney General shall make publicly available on the
16 internet website of the Department of Justice a report,
17 including—

18 “(1) each report on the conduct described
19 under section 502(a)(7) received from an applicant
20 for a grant under this subpart;

21 “(2) an aggregate analysis of the reports de-
22 scribed under paragraph (1);

23 “(3) if an applicant for a grant under this sub-
24 part has been awarded a grant; and

1 “(4) if an applicant for a grant under this sub-
2 part completed the conduct described under section
3 502(a)(7) and if it has not completed the conduct
4 described under such subsection, the reason that the
5 conduct has not been completed.

6 “(b) PROHIBITION ON PERSONALLY IDENTIFIABLE
7 INFORMATION.—Any information published by the Attor-
8 ney General pursuant to this section may not contain the
9 personally identifiable information of a victim and if such
10 information was erroneously published, it shall be removed
11 from the website of the Department of Justice imme-
12 diately upon discovery.”.

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