

-Kentucky SAFE Act Statutes-

Mandatory Training on Sexual Assault

(By KRS)

KRS 15.334 (1) – KLEC to approve mandatory training for basic law enforcement training (8 hours).

KRS 15.334 (2) (c) – KLEC to approve mandatory professional development; number of officers in department required to be trained (40 hours).

Duties of Law Enforcement

KRS 15.440 (1)(i) (1) – Collect kits within 5 days of notice from collecting facility.

KRS 15.440 (1)(i)(2) - Transmission of kits to law enforcement departments outside of jurisdiction.

KRS 15.440 (1)(i)(3) - All evidence for kits to be transmitted to Kentucky State Police Laboratory within 30 days.

KRS 15.440(1)(i)(4) – Transmission of suspect standard, if available, to forensic laboratory.

KRS 15.440 (1)(i) (5) - Process to notify victim of progress of testing, etc.

KRS 15.440 (4) – Failure to meet deadlines in policy not a basis for dismissal of charges or admissibility of evidence in criminal action.

Protocol for Sexual Assault Forensic Evidence

KRS 15.440 (1)(i) - Sexual Assault Forensic Evidence Protocol

Kentucky Law Enforcement Foundation Program

KRS 15.440- requirements to share in funds. Law Enforcement policy and procedure requirements.

Collection of Data

KRS 16.132 (1) – KSP to collect statistical data regarding persons charged.

KRS 16.132 (2)- KSP to provide data results to SART Advisory Committee by May 1st of each calendar year, beginning May 1, 2018.

Duties of Forensic Laboratory

KRS 17.175 (3) – Lab to analyze and classify all kits and submit to centralized database.

KRS 17.175 (3)(a) – Timetable for average completion rate 2018, and 2020.

KRS 17.175 (3)(b) - Failure to meet completion goals not a basis for dismissal or admissibility of evidence in criminal action.

KRS 17.175 (4) – DNA profiles are confidential and not public records.

KRS 17.175 (7) – Destruction of un-entered DNA samples

Centralized Data Base and Timelines for Completion of Analysis

KRS 17.175 (3) (a) – A centralized data base of DNA records for convicted or adjudicated offenders; analysis and classification of sexual assault evidence collection kits.

KRS 17.175 (3) (b) – Reporting of average time for completion of analysis and classification of kits.

Expungement of DNA Records

KRS 17.175 (5) - Expungement process of DNA profile

KRS 17.175 (8) - Penalties for Violation of dissemination or use of DNA identification system.

Duties of Administrative Office of the Courts

KRS 27A.305 – Collection of statistical data regarding prosecution, dismissal, conviction, or acquittal of sexual offenses

KRS 27A.305 (2) - AOC to provide results of data to the SART Advisory Committee as defined in KRS 403.707.

Duties of Hospitals

KRS 216B.400 (10) – Hospital to notify law enforcement within 24 hours, with victim consent.

Victims' Rights in Hospital

KRS 216B.400 (10) - Victim has right to exam whether or not victim chooses to file a report.

Storage and Destruction of Kits by Hospital (Not turned over to Law Enforcement)

KRS 216B.400 (10) (c) (3) - Storage of kits for at least one year.

KRS 216B.400 (10) (c)(4) - Protocol regarding destruction of kits, when victim did not report to law enforcement

SANE Ready Hospitals

KRS 216B.401 (1) - Designation of “SANE ready” hospitals.

KRS 216B.401 (2) – Suspension or revocation of “SANE ready” designation for failure to meet requirements.

KRS 216B.401 (3)- - CHFS to maintain a list of SANE ready hospitals.

Duties of SART-AC

KRS 402.707 (5)- Report to General Assembly results of analysis of previously untested sexual assault examination kits

KRS 402.707 (5)- Report to General Assembly and Secretary of Justice and Public Safety Cabinet the number of sexual assault reported, number of kits submitted and tested, and number of charges and convictions obtained in sexual assault cases

KRS 403.707 (5)- Provide assistance for each regional rape crisis center in establishing regional sexual assault response teams (SARTs)

KRS 403.707 (5)- Develop model policies for law enforcement (victim centered, evidence based)

KRS 403.707 (3)- Required Sexual Assault Response Team Advisory Committee.

Storage and Destruction of Evidence Subject to Testing

KRS 524.140 (2) (a) – Fifty Year Rule

KRS 524.140 (2) (b) – Ten Year Rule

