



To Whom It May Concern:

A public hearing will be held by the Office of Attorney General Dave Yost on January, 23, 2020 at 9:30AM in the Large Conference Room in the Rhodes State Office Tower, Floor 17, 30 E. Broad St., Columbus, OH 43215.

The purpose of the hearing is to solicit comment on Rules 109:7-1-03 – Definitions; and, 109:7-1-07 – Procedures for testing and tracking of sexual assault evidence kits. Specifically, the rules add definitions to the Administrative Code for OAC 109:7-1 and procedures that must be followed for testing and tracking sexual assault evidence kits.

The specific amended language of the rule is as follows:

109:7-1-03 **Definitions.**

(H) "Sexual Assault Evidence Kit" means the materials used to gather forensic evidence from a person who reports being a victim of a sexual assault and the evidence gathered utilizing the materials from the kit.

109:7-1-07 **Procedure for testing and tracking of sexual assault evidence kits.**

(A) Evidence collected by a hospital, children's advocacy center, or other emergency medical facility as part of preparing a sexual assault evidence kit shall be tested by a forensic laboratory. The evidence shall be tested according to protocols established by the laboratory.

(B) Once a sexual assault evidence kit is obtained by the hospital, children's advocacy center, or other emergency medical facility that gathered the evidence shall notify the law enforcement for the jurisdiction where the sexual assault reportedly occurred that the sexual assault evidence kit is complete and law enforcement can take custody of the sexual assault evidence kit. Custody of the sexual assault evidence kit will be conducted based upon the evidence collection protocol for that particular law enforcement agency.

(C) The hospital, children's advocacy center, or other emergency medical facility that completed the sexual assault evidence kit shall log into the state tracking system and record release of the sexual assault evidence kit from the hospital, children's advocacy center, or other emergency medical facility to the law enforcement agency.

(D) After taking custody of the sexual assault evidence kit the following procedures shall take effect:

(1) If testing will be completed by bureau of criminal identification and investigation, law enforcement shall log the kit into the state tracking system.

(2) In the event the sexual assault evidence kit is being submitted to a laboratory other than bureau of criminal identification and investigation, the law enforcement agency shall follow their agencies evidence collection and tracking protocols.

(3) At such time as the sexual assault evidence kit is submitted to the alternate laboratory for testing the law enforcement agency shall record release of the sexual assault evidence kit to the appropriate laboratory in the state tracking system.

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(4) Law enforcement shall forward the sexual assault evidence kit to the selected laboratory for testing within 30 days from the date of evidence collection.

(E) Submission of any sexual assault evidence kit to a laboratory shall be conducted in accordance with the laboratories evidence submission policies.

(F) There shall be no charge to the victim for the sexual assault evidence kit.

(G) The sexual assault evidence kits shall contain a victim notification form. Such form shall advise the victim of their right to notification under the sexual assault kit tracking system.

(H) Updates to the sexual assault kit tracking system shall be made at the following times:

(1) When law enforcement submits the sexual assault evidence kit to the laboratory;

(2) When the laboratory completes testing on the submitted sexual assault evidence kit; and

(3) When there is a change in the status of the case.

All interested parties are invited to attend the hearing and present oral and/or written testimony. Written comments may also be submitted prior to the hearing to the attention of Andrew Hopkins, Policy and Legislation, Office of the Ohio Attorney General Dave Yost, 30 East Broad Street, Floor 17, Columbus, Ohio 43215, or Andrew.Hopkins@OhioAttorneyGeneral.gov no later than Tuesday, January 21, 2020 by close of business. For security purposes, please also notify Andrew Hopkins if you plan to attend the hearing no later than Tuesday, January 21, 2020 by close of business.