

SENATE SUBSTITUTE  
FOR  
SENATE COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NO. 569

AN ACT

To repeal section 595.220, RSMo, and to enact in lieu thereof three new sections relating to victims of sexual offenses.

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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,  
AS FOLLOWS:

1           Section A. Section 595.220, RSMo, is repealed and three new  
2 sections enacted in lieu thereof, to be known as sections  
3 595.201, 595.202, and 595.220, to read as follows:

4           595.201. 1. This section shall be known and may be cited  
5 as the "Sexual Assault Survivors' Bill of Rights".

6           2. The rights provided to survivors in this section attach  
7 whenever a survivor is subject to a forensic examination, as  
8 provided in section 595.220; and whenever a survivor is subject  
9 to an interview by a law enforcement official, prosecuting  
10 attorney, or defense attorney. A survivor retains all the rights  
11 of this section at all times regardless of whether the survivor  
12 agrees to participate in the criminal justice system or in family  
13 court; and regardless of whether the survivor consents to a  
14 forensic examination to collect sexual assault forensic evidence.

15 The following rights shall be afforded to sexual assault  
16 survivors:

1       (1) A survivor has the right to consult with an employee or  
2 volunteer of a rape crisis center during any forensic examination  
3 that are subject to confidentiality requirements pursuant to  
4 section 455.003, as well as the right to have a support person of  
5 the survivor's choosing present, subject to federal regulations  
6 as provided in 42 CFR 482; and during any interview by a law  
7 enforcement official, prosecuting attorney, or defense attorney.  
8 A survivor retains this right even if the survivor has waived the  
9 right in a previous examination or interview;

10       (2) Reasonable costs incurred by a medical provider for the  
11 forensic examination portion of the examination of a survivor  
12 shall be paid by the department of public safety, out of  
13 appropriations made for that purpose, as provided under section  
14 595.220. Evidentiary collection kits shall be developed and made  
15 available, subject to appropriations, to appropriate medical  
16 providers by the highway patrol or its designees and eligible  
17 crime laboratories. All appropriate medical provider charges for  
18 eligible forensic examinations shall be billed to and paid by the  
19 department of public safety;

20       (3) Before a medical provider commences a forensic  
21 examination of a survivor, the medical provider shall provide the  
22 survivor with a document to be developed by the department of  
23 public safety that explains the rights of survivors, pursuant to  
24 this section, in clear language that is comprehensible to a  
25 person proficient in English at the fifth grade level, accessible  
26 to persons with visual disabilities, and available in all major  
27 languages of the state. This document shall include, but is not  
28 limited to:

1       (a) The survivor's rights pursuant to this section and  
2 other rules and regulations by the department of public safety  
3 and the department of health and senior services, which shall be  
4 signed by the survivor of sexual assault to confirm receipt;

5       (b) The survivor's right to consult with an employee or  
6 volunteer of a rape crisis center, to be summoned by the medical  
7 provider before the commencement of the forensic examination,  
8 unless no employee or volunteer of a rape crisis center can be  
9 summoned in a reasonably timely manner, and to have present at  
10 least one support person of the victim's choosing;

11       (c) If an employee or volunteer of a rape crisis center or  
12 a support person cannot be summoned in a timely manner, the  
13 ramifications of delaying the forensic examination; and

14       (d) After the forensic examination, the survivor's right to  
15 shower at no cost, unless showering facilities are not reasonably  
16 available;

17       (4) Before commencing an interview of a survivor, a law  
18 enforcement officer, prosecuting attorney, or defense attorney  
19 shall inform the survivor of the following:

20       (a) The survivor's rights pursuant to this section and  
21 other rules and regulations by the department of public safety  
22 and the department of health and senior services, which shall be  
23 signed by the survivor of sexual assault to confirm receipt;

24       (b) The survivor's right to consult with an employee or  
25 volunteer of a rape crisis center during any interview by a law  
26 enforcement official, prosecuting attorney, or defense attorney,  
27 to be summoned by the interviewer before the commencement of the  
28 interview, unless no employee or volunteer of a rape crisis

1 center can be summoned in a reasonably timely manner;

2 (c) The survivor's right to have a support person of the  
3 survivor's choosing present during any interview by a law  
4 enforcement officer, prosecuting attorney, or defense attorney,  
5 unless the law enforcement officer, prosecuting attorney, or  
6 defense attorney determines in his or her good faith professional  
7 judgment that the presence of that individual would be  
8 detrimental to the purpose of the interview; and

9 (d) For interviews by a law enforcement officer, the  
10 survivor's right to be interviewed by a law enforcement official  
11 of the gender of the survivor's choosing. If no law enforcement  
12 official of that gender is reasonably available, the survivor  
13 shall be interviewed by an available law enforcement official  
14 only upon the survivor's consent;

15 (5) The right to counsel during an interview by a law  
16 enforcement officer or during any interaction with the legal or  
17 criminal justice systems within the state;

18 (6) A law enforcement official, prosecuting attorney, or  
19 defense attorney shall not, for any reason, discourage a survivor  
20 from receiving a forensic examination;

21 (7) A survivor has the right to prompt analysis of sexual  
22 assault forensic evidence, as provided under section 595.220;

23 (8) A survivor has the right to be informed, upon the  
24 survivor's request, of the results of the analysis of the  
25 survivor's sexual assault forensic evidence, whether the analysis  
26 yielded a DNA profile, and whether the analysis yielded a DNA  
27 match, either to the named perpetrator or to a suspect already in  
28 CODIS. The survivor has the right to receive this information

1 through a secure and confidential message in writing from the  
2 crime laboratory so that the survivor can call regarding the  
3 results;

4 (9) A defendant or person accused or convicted of a crime  
5 against a survivor shall have no standing to object to any  
6 failure to comply with this section, and the failure to provide a  
7 right or notice to a survivor under this section may not be used  
8 by a defendant to seek to have the conviction or sentence set  
9 aside;

10 (10) The failure of a law enforcement agency to take  
11 possession of any sexual assault forensic evidence or to submit  
12 that evidence for analysis within the time prescribed under  
13 section 595.220 does not alter the authority of a law enforcement  
14 agency to take possession of that evidence or to submit that  
15 evidence to the crime laboratory, and does not alter the  
16 authority of the crime laboratory to accept and analyze the  
17 evidence or to upload the DNA profile obtained from that evidence  
18 into CODIS. The failure to comply with the requirements of this  
19 section does not constitute grounds in any criminal or civil  
20 proceeding for challenging the validity of a database match or of  
21 any database information, and any evidence of that DNA record  
22 shall not be excluded by a court on those grounds;

23 (11) No sexual assault forensic evidence shall be used to  
24 prosecute a survivor for any misdemeanor crimes or any  
25 misdemeanor crime pursuant to sections 579.015 to 579.185; or as  
26 a basis to search for further evidence of any unrelated  
27 misdemeanor crimes or any misdemeanor crime pursuant to sections  
28 579.015 to 579.185, that shall have been committed by the

1 survivor, except that sexual assault forensic evidence shall be  
2 admissible as evidence in any criminal or civil proceeding  
3 against the defendant or person accused;

4 (12) Upon initial interaction with a survivor, a law  
5 enforcement officer shall provide the survivor with a document to  
6 be developed by the department of public safety that explains the  
7 rights of survivors, pursuant to this section, in clear language  
8 that is comprehensible to a person proficient in English at the  
9 fifth grade level, accessible to persons with visual  
10 disabilities, and available in all major languages of the state.

11 This document shall include, but is not limited to:

12 (a) A clear statement that a survivor is not required to  
13 participate in the criminal justice system or to receive a  
14 forensic examination in order to retain the rights provided by  
15 this section and other relevant law;

16 (b) Telephone and internet means of contacting nearby rape  
17 crisis centers and employees or volunteers of a rape crisis  
18 center;

19 (c) Forms of law enforcement protection available to the  
20 survivor, including temporary protection orders, and the process  
21 to obtain such protection;

22 (d) Instructions for requesting the results of the analysis  
23 of the survivor's sexual assault forensic evidence; and

24 (e) State and federal compensation funds for medical and  
25 other costs associated with the sexual assault and any municipal,  
26 state, or federal right to restitution for survivors in the event  
27 of a criminal trial;

28 (13) A law enforcement official shall, upon written request

1 by a survivor, furnish within fourteen days of receiving such  
2 request a free, complete, and unaltered copy of all law  
3 enforcement reports concerning the sexual assault, regardless of  
4 whether the report has been closed by the law enforcement agency;

5 (14) A prosecuting attorney shall, upon written request by  
6 a survivor, provide:

7 (a) Timely notice of any pretrial disposition of the case;

8 (b) Timely notice of the final disposition of the case,  
9 including the conviction, sentence, and place and time of  
10 incarceration;

11 (c) Timely notice of a convicted defendant's location,  
12 including whenever the defendant receives a temporary,  
13 provisional, or final release from custody, escapes from custody,  
14 is moved from a secure facility to a less secure facility, or re-  
15 enters custody; and

16 (d) A convicted defendant's information on a sex offender  
17 registry, if any;

18 (15) In either a civil or criminal case relating to the  
19 sexual assault, a survivor has the right to be reasonably  
20 protected from the defendant and persons acting on behalf of the  
21 defendant, as provided under section 595.209 and Article I,  
22 Section 32 of the Missouri Constitution;

23 (16) A survivor has the right to be free from intimidation,  
24 harassment, and abuse, as provided under section 595.209 and  
25 Article I, Section 32 of the Missouri Constitution;

26 (17) A survivor shall not be required to submit to a  
27 polygraph examination as a prerequisite to filing an accusatory  
28 pleading, as provided under 595.223, or to participating in any

1 part of the criminal justice system;

2 (18) A survivor has the right to be heard through a  
3 survivor impact statement at any proceeding involving a post-  
4 arrest release decision, plea, sentencing, post-conviction  
5 release decision, or any other proceeding where a right of the  
6 survivor is at issue, as provided under section 595.229 and  
7 Article I, Section 32 of the Missouri Constitution.

8 3. For purposes of this section, the following terms mean:

9 (1) "CODIS", the Federal Bureau of Investigation's Combined  
10 DNA Index System that allows the storage and exchange of DNA  
11 records submitted by federal, state, and local DNA crime  
12 laboratories. The term "CODIS" includes the National DNA Index  
13 System administered and operated by the Federal Bureau of  
14 Investigation;

15 (2) "Crime", an act committed in this state which,  
16 regardless of whether it is adjudicated, involves the application  
17 of force or violence or the threat of force or violence by the  
18 offender upon the victim and shall include the crime of driving  
19 while intoxicated, vehicular manslaughter and hit and run; and  
20 provided, further, that no act involving the operation of a motor  
21 vehicle, except driving while intoxicated, vehicular manslaughter  
22 and hit and run, which results in injury to another shall  
23 constitute a crime for the purpose of this section, unless such  
24 injury was intentionally inflicted through the use of a motor  
25 vehicle. A crime shall also include an act of terrorism, as  
26 defined in 18 U.S.C. Section 2331, which has been committed  
27 outside of the United States against a resident of Missouri;

28 (3) "Crime laboratory", a laboratory operated or supported



1 financially by the state, or any unit of city, county, or other  
2 local Missouri government that employs at least one scientist who  
3 examines physical evidence in criminal matters and provides  
4 expert or opinion testimony with respect to such physical  
5 evidence in a state court of law;

6 (4) "Disposition", the sentencing or determination of a  
7 penalty or punishment to be imposed upon a person convicted of a  
8 crime or found delinquent or against who a finding of sufficient  
9 facts for conviction or finding of delinquency is made;

10 (5) "Law enforcement official", a sheriff and his regular  
11 deputies, municipal police officer, or member of the Missouri  
12 state highway patrol and such other persons as may be designated  
13 by law as peace officers;

14 (6) "Medical provider", any qualified health care  
15 professional, hospital, other emergency medical facility, or  
16 other facility conducting a forensic examination of the survivor;

17 (7) "Rape crisis center", any public or private agency that  
18 offers assistance to victims of sexual assault, as the term  
19 sexual assault is defined in section 455.010, who are adults, as  
20 defined by section 455.010, or qualified minors, as defined by  
21 section 431.056;

22 (8) "Restitution", money or services which a court orders a  
23 defendant to pay or render to a survivor as part of the  
24 disposition;

25 (9) "Sexual assault survivor", any person who is a victim  
26 of an alleged sexual offense under sections 566.010 to 566.223  
27 and, if the survivor is incompetent, deceased, or a minor who is  
28 unable to consent to counseling services, the parent, guardian,

1 spouse, or any other lawful representative of the survivor,  
2 unless such person is the alleged assailant;

3 (10) "Sexual assault forensic evidence", any human  
4 biological specimen collected by a medical provider during a  
5 forensic medical examination from an alleged survivor, as  
6 provided for in section 595.220, including, but not limited to, a  
7 toxicology kit;

8 (11) "Survivor", a natural person who suffers direct or  
9 threatened physical, emotional, or financial harm as the result  
10 of the commission or attempted commission of a crime. The term  
11 "victim" also includes the family members of a minor, incompetent  
12 or homicide victim.

13 595.202. 1. There is hereby created the "Missouri Rights  
14 of Victims of Sexual Assault Task Force" to consist of the  
15 following members:

16 (1) The following four members of the general assembly:

17 (a) Two members of the senate, with no more than one member  
18 from the same political party and each member to be appointed by  
19 the president pro tempore of the senate; and

20 (b) Two members of the house of representatives, with no  
21 more than one member from the same political party and each  
22 member to be appointed by the speaker of the house of  
23 representatives;

24 (2) The director of the department of health and senior  
25 services or his or her designee;

26 (3) A private citizen appointed by the governor;

27 (4) A representative of a statewide coalition against  
28 domestic and sexual violence appointed by the governor;

1       (5) A representative of rape crisis centers appointed by  
2 the governor;

3       (6) The superintendent of the Missouri highway patrol or  
4 his or her designee;

5       (7) A law enforcement officer appointed by the governor;

6       (8) The director of the Missouri highway patrol crime lab  
7 or his or her designee;

8       (9) An attorney appointed by the governor; and

9       (10) A representative of the Missouri Hospital Association.

10       2. The task force shall study nationally recognized best  
11 practices and make recommendations regarding:

12       (1) The development and implementation of an effective  
13 mechanism for submitting, tracking, and investigating complaints  
14 regarding the handling of, or response to, a sexual assault  
15 report or investigation by any agency or organization involved in  
16 the response;

17       (2) The development of documentation for medical providers  
18 and law enforcement officers, in conjunction with the department  
19 of public safety, to provide to survivors informing them of their  
20 rights pursuant to section 595.201;

21       (3) Whether a need exists for additional employees or  
22 volunteers of a rape crisis center for victims of sexual assault,  
23 and if such a need does exist, the task force shall:

24       (a) Create a plan for how the state can provide, in  
25 conjunction with rape crisis centers, victims' advocates  
26 organizations, and the department of health and senior services,  
27 additional employees or volunteers of a rape crisis center to  
28 meet the needs identified; and

1 (b) Determine the cost of funding such a plan;

2 (4) Whether a need exists to expand the right to an  
3 employee or volunteer of a rape crisis center beyond the medical  
4 examination and law enforcement interview settings, and if such a  
5 need does exist, the task force shall:

6 (a) Identify the scope and nature of the need; and

7 (b) Make recommendations on how best to fill that need,  
8 whether legislatively or otherwise;

9 (5) Whether a need exists to provide for ongoing evaluation  
10 of the implementation of these rights, and if such a need does  
11 exist, the task force shall:

12 (a) Identify the scope and nature of the need; and

13 (b) Make recommendations on how best to fill that need,  
14 whether legislatively or otherwise.

15 3. The task force shall:

16 (1) Collect data regarding sexual assault reporting,  
17 arrests, prosecution rates, access to sexual assault victims  
18 services, and any other data important for its deliberations and  
19 recommendations; and

20 (2) Collect feedback from stakeholders, practitioners, and  
21 leadership throughout the state and local law enforcement, victim  
22 services, forensic science practitioners, and health care  
23 communities to inform development of future best practices or  
24 clinical guidelines regarding the care and treatment of  
25 survivors.

26 4. The department of public safety shall provide  
27 administrative support to the task force.

28 5. On or before December 31, 2021, the task force shall

1 submit a report on its findings to the governor and general  
2 assembly. The report shall include any dissenting opinions in  
3 addition to any majority opinions.

4 6. The task force shall expire on December 31, 2021.

5 595.220. 1. The department of public safety shall make  
6 payments to appropriate medical providers, out of appropriations  
7 made for that purpose, to cover the reasonable charges of the  
8 forensic examination of persons who may be a victim of a sexual  
9 offense if:

10 (1) The victim or the victim's guardian consents in writing  
11 to the examination; and

12 (2) The report of the examination is made on a form  
13 approved by the attorney general with the advice of the  
14 department of public safety.

15  
16 The department shall establish maximum reimbursement rates for  
17 charges submitted under this section, which shall reflect the  
18 reasonable cost of providing the forensic exam.

19 2. A minor may consent to examination under this section.  
20 Such consent is not subject to disaffirmance because of minority,  
21 and consent of parent or guardian of the minor is not required  
22 for such examination. The appropriate medical provider making  
23 the examination shall give written notice to the parent or  
24 guardian of a minor that such an examination has taken place.

25 3. The department of public safety, with the advice of the  
26 attorney general, shall develop the forms and procedures for  
27 gathering, transmitting, and storing evidence during and after  
28 the forensic examination under the provisions of this section.

1 The department of health and senior services shall develop a  
2 checklist, protocols, and procedures for appropriate medical  
3 providers to refer to while providing medical treatment to  
4 victims of a sexual offense, including those specific to victims  
5 who are minors. The procedures for transmitting and storing  
6 examination evidence shall include the following requirements:

7 (1) An appropriate medical provider shall provide  
8 electronic notification to the appropriate law enforcement agency  
9 when the provider has a reported or anonymous evidentiary  
10 collection kit;

11 (2) Within fourteen days of notification from the  
12 appropriate medical provider, the law enforcement agency shall  
13 take possession of the evidentiary collection kit;

14 (3) Within fourteen days of taking possession, the law  
15 enforcement agency shall provide the evidentiary collection kit  
16 to a laboratory;

17 (4) A law enforcement agency shall secure an evidentiary  
18 collection kit for a period of thirty years if the offense has  
19 not been adjudicated.

20 4. Evidentiary collection kits shall be developed and made  
21 available, subject to appropriation, to appropriate medical  
22 providers by the highway patrol or its designees and eligible  
23 crime laboratories. Such kits shall be distributed with the  
24 forms and procedures for gathering evidence during forensic  
25 examinations of victims of a sexual offense to appropriate  
26 medical providers upon request of the provider, in the amount  
27 requested, and at no charge to the medical provider. All  
28 appropriate medical providers shall, with the written consent of

1 the victim, perform a forensic examination using the evidentiary  
2 collection kit, or other collection procedures developed for  
3 victims who are minors, and forms and procedures for gathering  
4 evidence following the checklist for any person presenting as a  
5 victim of a sexual offense.

6 5. In reviewing claims submitted under this section, the  
7 department shall first determine if the claim was submitted  
8 within ninety days of the examination. If the claim is submitted  
9 within ninety days, the department shall, at a minimum, use the  
10 following criteria in reviewing the claim: examination charges  
11 submitted shall be itemized and fall within the definition of  
12 forensic examination as defined in subdivision (6) of subsection  
13 8 of this section.

14 6. All appropriate medical provider charges for eligible  
15 forensic examinations shall be billed to and paid by the  
16 department of public safety. No appropriate medical provider  
17 conducting forensic examinations and providing medical treatment  
18 to victims of sexual offenses shall charge the victim for the  
19 forensic examination. For appropriate medical provider charges  
20 related to the medical treatment of victims of sexual offenses,  
21 if the victim is an eligible claimant under the crime victims'  
22 compensation fund, the victim shall seek compensation under  
23 sections 595.010 to 595.075.

24 7. The department of public safety shall establish rules  
25 regarding the reimbursement of the costs of forensic examinations  
26 for children under fourteen years of age, including establishing  
27 conditions and definitions for emergency and nonemergency  
28 forensic examinations and may by rule establish additional

1 qualifications for appropriate medical providers performing  
2 nonemergency forensic examinations for children under fourteen  
3 years of age. The department shall provide reimbursement  
4 regardless of whether or not the findings indicate that the child  
5 was abused.

6 8. For purposes of this section, the following terms mean:

7 (1) "Anonymous evidentiary collection kit", an evidentiary  
8 collection kit collected from a victim[, or his or her designee,]  
9 who wishes to remain anonymous, but who has consented, or his or  
10 her designee has consented on his or her behalf, to the  
11 collection of the evidentiary collection kit[, ] and to  
12 participate in the criminal justice process[, but who wishes to  
13 remain anonymous];

14 (2) "Appropriate medical provider":

15 (a) Any licensed nurse, physician, or physician assistant,  
16 and any institution employing licensed nurses, physicians, or  
17 physician assistants, provided that such licensed professionals  
18 are the only persons at such institution to perform tasks under  
19 the provisions of this section; or

20 (b) For the purposes of any nonemergency forensic  
21 examination of a child under fourteen years of age, the  
22 department of public safety may establish additional  
23 qualifications for any provider listed in paragraph (a) of this  
24 subdivision under rules authorized under subsection 7 of this  
25 section;

26 (3) "Component", any piece of evidence that contains, or  
27 may contain, DNA related to the sexual offense for which the  
28 forensic examination was performed and that is not stored or



1 maintained within the evidentiary collection kit;

2 (4) "Consent", the electronically documented authorization  
3 by the victim, or his or her designee, to allow the evidentiary  
4 collection kit to be analyzed;

5 [(4)] (5) "Emergency forensic examination", an examination  
6 of a person under fourteen years of age that occurs within five  
7 days of the alleged sexual offense. The department of public  
8 safety may further define the term emergency forensic examination  
9 by rule;

10 [(5)] (6) "Evidentiary collection kit", a kit used during a  
11 forensic examination that includes materials necessary for  
12 appropriate medical providers to gather evidence in accordance  
13 with the forms and procedures developed by the department of  
14 public safety for forensic examinations;

15 [(6)] (7) "Forensic examination", an examination performed  
16 by an appropriate medical provider on a victim of an alleged  
17 sexual offense to gather evidence for the evidentiary collection  
18 kit or using other collection procedures developed for victims  
19 who are minors;

20 [(7)] (8) "Medical treatment", the treatment of all  
21 injuries and health concerns resulting directly from a patient's  
22 sexual assault or victimization;

23 [(8)] (9) "Nonemergency forensic examination", an  
24 examination of a person under fourteen years of age that occurs  
25 more than five days after the alleged sexual offense. The  
26 department of public safety may further define the term  
27 nonemergency forensic examination by rule;

28 [(9)] (10) "Reported evidentiary collection kit", an

1 evidentiary collection kit collected from a victim, or his or her  
2 designee, who has consented to the collection of the evidentiary  
3 collection kit and has consented to participate in the criminal  
4 justice process;

5 [(10)] (11) "Unreported evidentiary collection kit", an  
6 evidentiary collection kit collected from a victim, or his or her  
7 designee, who has consented to the collection of the evidentiary  
8 collection kit but has not consented to participate in the  
9 criminal justice process.

10 9. The attorney general shall establish protocols and an  
11 electronic platform to implement an electronic evidence tracking  
12 system that:

13 (1) Identifies, documents, records, and tracks evidentiary  
14 collection kits and their components, including individual  
15 specimen containers, through their existence from forensic  
16 examination, to possession by a law enforcement agency, to  
17 testing, to use as evidence in criminal proceedings, and until  
18 disposition of such proceedings;

19 (2) Assigns a unique alphanumeric identifier to each  
20 respective evidentiary collection kit, and all its respective  
21 components, and to each respective person, or his or her  
22 designees, who may handle an evidentiary test kit;

23 (3) Links the identifiers of an evidentiary collection kit  
24 and its components, which shall be machine-readable indicia;

25 (4) Allows each person, or his or her designees, who is  
26 properly credentialed to handle an evidentiary test kit to check  
27 the status of an evidentiary test kit or its components and to  
28 save a portfolio of identifiers so that the person, or his or her

1 designees, may track, obtain reports, and receive updates [of] on  
2 the status of evidentiary collection kits or their components;  
3 and

4 (5) Allows sexual assault victims, or their designees,  
5 [access in order to monitor the current status of their  
6 evidentiary test kit] to track and obtain reports on the status  
7 and location of their evidentiary collection kits. This shall be  
8 a secured web-based or similar electronic-based communications  
9 system that shall require sexual assault victims, or their  
10 designees, to register to access tracking and reports of their  
11 evidentiary collection kits.

12 10. Appropriate medical providers, law enforcement  
13 agencies, laboratories, court personnel, persons or entities  
14 involved in the final disposition or destruction of evidentiary  
15 collection kits, and all other entities which and persons who  
16 have custody of evidentiary collection kits shall participate in  
17 the electronic evidence tracking system.

18 11. The department of public safety, with the advice of the  
19 attorney general and the assistance of the department of health  
20 and senior services, shall develop and retain within the state a  
21 central repository for unreported evidentiary collection kits,  
22 where such kits can be kept in a temperature-controlled  
23 environment that preserves the integrity of the evidence and  
24 diminishes degradation. Unreported evidentiary collection kits  
25 shall be retained for a period of five years. In the case of a  
26 minor under the age of eighteen when the unreported kit was  
27 collected, the unreported evidentiary kit shall be retained for a  
28 period of five years after the victim attains the age of

1 eighteen.

2 12. Records entered into the electronic evidence tracking  
3 system shall be confidential and shall not be subject to  
4 disclosure under chapter 610.

5 13. The department shall have authority to promulgate rules  
6 and regulations necessary to implement the provisions of this  
7 section. Any rule or portion of a rule, as that term is defined  
8 in section 536.010, that is created under the authority delegated  
9 in this section shall become effective only if it complies with  
10 and is subject to all of the provisions of chapter 536 and, if  
11 applicable, section 536.028. This section and chapter 536 are  
12 nonseverable and if any of the powers vested with the general  
13 assembly pursuant to chapter 536 to review, to delay the  
14 effective date, or to disapprove and annul a rule are  
15 subsequently held unconstitutional, then the grant of rulemaking  
16 authority and any rule proposed or adopted after August 28, 2009,  
17 shall be invalid and void.