The number of rape or sexual assault victims increased from 204,000 in 2015 to 347,000 in 2018, according to the Department of Justice. Using this data, the Rape, Abuse and Incest National Network (RAINN) estimates an American is sexually assaulted every 73 seconds. The Bureau of Justice Statistics estimates that only 23% of rapes or sexual assaults are reported. For those who do report their assaults, they are confronted with medical and legal procedures that are challenging and sometimes difficult to understand. Sexual assault and rape survivors are encouraged to undergo medical procedures to collect biological evidence. These rape kits are intended, with the survivors’ approval, to be submitted to law enforcement and sent to forensic labs. But local and state laws across the country are not uniform and victims are sometimes surprised to learn their kits have either not been tested or are no longer available.

After listening to survivors whose experiences reveal flaws in current practices, many state lawmakers are working to bolster the response to sex-related crimes.

Did You Know?

• Young people ages 12 to 34 are at the highest risk for rape and sexual assault.
• Alaska appropriated $2.75 million in 2018 to test every rape kit in the state.
• Over 20 reform laws were enacted in 2019 related to sexual assault survivors and rape kits.
Federal Action

Congress enacted The Sexual Assault Survivors’ Bill of Rights Act in 2016. The law guarantees basic rights for assault survivors in federal cases, which include sex crimes that occur across state lines, in the military, in a federal prison, or on land operated by the federal government or tribal nations. The law gives rape survivors rights to:

- A free forensic medical exam.
- Have their rape kit preserved free of charge for the full statute of limitations or 20 years.
- Receive written notification within 60 days of the intended destruction or disposal of evidence.
- Have their kits preserved from being disposed of, upon written request.
- Be informed of any result from a sexual assault evidence collection kit, including DNA matches and toxicology reports.

State Action

States throughout the country are introducing and enacting legislation to improve their policies regulating how to handle sexual crimes. Specifically, legislation is aimed at prioritizing the rights of survivors, and better preserving evidence that can increase the chances of prosecution.

- **Survivor rights.** Nearly a dozen states have passed sexual assault victims’ bill of rights laws similar to the 2016 federal law. Nevada, New Mexico and West Virginia in 2019 became the latest states to adopt this type of law. Nevada grants a survivor the right to consult with a victim’s advocate or other designee for support during hospital examinations and interviews with law enforcement. It also affords a survivor the right to counsel under certain circumstances and sets forth procedures regarding collecting and analyzing forensic evidence kits. In addition, the law clarifies that survivors cannot be charged medical examination expenses, allows survivors to shower after the medical exam is complete, and provides survivors with access to information about the status of their kit. California, Illinois, Nebraska, New Hampshire, New York, Oregon, South Dakota, Vermont and Washington have also passed some version of sexual assault survivors bill of rights in the last three years.

- **Evidence preservation.** Stockpiles of untested kits are perhaps the most notorious sexual assault challenge facing America’s justice systems. Nationwide, it is estimated that hundreds of thousands of rape kits remain untested, according to the Joyful Heart Foundation, an advocacy group.

In Hawaii, legislation was passed in 2016 requiring police to audit sexual assault evidence in their custody. Their audit revealed 1,951 untested rape kits in law enforcement’s possession statewide. Hawaii enacted broad reforms in 2018 to address untested rape kits and mandated deadlines for submitting and testing newly collected rape kits.

Two states, Pennsylvania and Wyoming, passed legislation in 2019 that requires an annual audit and report of all untested rape kits in the state. The report in Wyoming must include the type of crime and whether the evidence was submitted to a crime lab and an analysis completed and, if not, the reasons for non-submission. Alaska, Indiana, Missouri and North Carolina have also enacted audit requirements in the past five years.

Investing in systems that allows each kit to be tracked as it goes through the chain of custody from evidence collection to testing to storage is another way states are improving the system. In 2016, four states—California, Idaho, Michigan and Washington—took steps to implement a statewide rape kit tracking system to account for the status of all kits and provide updates to survivors and others on the status of their case. Mandated by 2014 legislation, Michigan appropriated $4 million in state funds in 2017 to create the statewide electronic tracking system. By the end of 2019, Michigan State Police completely phased in the statewide internet-based system called “Track-Kit,” which allows an individual the ability to track the location and status of his or her kit. At least 20 states have passed legislation to take the first steps in developing a sexual assault kit tracking system. Kentucky, Oklahoma and Virginia became the most recent states to do so, passing legislation in 2019.