

Submission of Sex Assault Kits

CRS 24-33.5-113
(AKA HB13-1020)

The Colorado legislature passed CRS 24-33.5-113 (commonly referred to as HB13-1020) in 2013. This law requires submission of nearly all sexual assault evidence kits to an accredited forensic laboratory. The law further required the Colorado Department of Public Safety to put together the rules committee to determine the specific rules to be used in the law.

The rules as determined by that committee and accepted according to Colorado rulemaking policy can be viewed at the Colorado Secretary of State's website at the following link:

<http://www.sos.state.co.us/CCR/NumericalSubDocList.do?deptID=17&deptName=1507 PublicSafetyDepartmentof&agencyID=16&agencyName=1507ColoradoBureauofInvestigation&ccrDocID=3180&ccrDocName=8 CCR 1507-29 EVIDENCE COLLECTION IN CONNECTION WITH SEXUAL ASSAULTS>

The law requires a sexual assault evidence kit be submitted to a forensic lab within 21 days of receipt from a medical facility according to the rules.

- The rules require all kits be submitted unless:
 - the victim does not consent to submission of the kit. [See consent form also posted on the CBI-FS website.]
 - the law enforcement agency is able to provide corroborated evidence of a false report within the 21 days before the required submission
 - All other kits must be submitted to an accredited forensic laboratory.
- The rules committee made these rules effective March 1, 2014.

The law further requires all sexual assault exams in which kits are collected use the same consent form. The rules committee developed a form that deals with all consents required in the state of Colorado due to multiple laws in place.

As previously stated, this form is on the CBI-FS website. It is also already included in the Colorado Victim kit sold by SIRCHIE (COL100).

The law requires the forensic laboratories accepting these sexual assault kits make the analysis and upload of qualified DNA profiles into CODIS a priority.

To follow this intent of the law the CBI-FS requests our law enforcement agencies make every effort to obtain and submit all appropriate buccal swabs when the kit is submitted. The kit will be accepted, however, if those buccals cannot be obtained. Please note reasons buccals could not be obtained in the submission cover letter.

If you still have questions regarding submission of sexual assault kits and the law please contact:

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