



The Pennsylvania Sexual Assault Testing and Evidence Collection Act

Act 27: Frequently Asked Questions

May 2016

What is Act 27 – The Pennsylvania Sexual Assault Testing and Evidence Collection Act?

On July 10, 2015, Governor Wolf signed Act 27 (Act) amending the Sexual Assault Testing and Evidence Collection Act (Act), 35 P.S. §§ 10172.1-10172.5. Under the Act, local law enforcement agencies are required to take possession of any sexual assault evidence collected by health care facilities for sexual assaults reported to have occurred in the agency's jurisdiction and, upon receipt of consent from the victim, submit the evidence awaiting testing to a laboratory approved by the Department of Health (Department) for testing or analysis. See 35 P.S. § 10172.3(c)(1) and (3) [relating to sexual assault evidence collection program].

Among other things, the Act requires local law enforcement agencies and testing laboratories to submit certain reports to the department, in a form and manner prescribed by the department, regarding the status of laboratory testing of sexual assault evidence. The Act requires an Initial Inventory Report to be filed (1) by local law enforcement agencies indicating the number of sexual assault evidence in their possession and awaiting testing; and (2) by laboratories of sexual assault evidence submitted for testing but not yet analyzed. See 35 P.S. § 10172.3(d). The Act also requires an annual Backlogged Evidence Report to be submitted by both local law enforcement agencies and laboratories. See 35 P.S. § 10172.3(e).

How does local law enforcement or a laboratory submit a report?

Standardized forms for both the [Initial Inventory Report](#) and the [Annual Backlogged Evidence Report](#) can be found below. Local law enforcement agencies and testing laboratories may also contact the Department of Health, Bureau of Laboratories, for a hard copy of either form. Contact information is provided below.

[Sexual Assault Testing and Evidence Collection Act Initial Data Reporting Form](#)

Sexual Assault Testing and Evidence Collection Act Annual Data Reporting Form

When are reports due?

Applicable Dates for Preparation and Submission of Initial Inventory Reports

Initial Inventory Reports must include sexual assault kits awaiting testing or analysis as of Sept. 7, 2015. Initial Inventory Reports were due to the department by March 7, 2016. Even if no inventory exists, local law enforcement agencies and laboratories were still required to submit an inventory report to the department, noting that no inventory exists. If you have not submitted the report at this time, please contact the Bureau of Laboratories immediately.

Applicable Dates for Preparation and Submission of Annual Backlogged Evidence Reports

Annual Backlogged Evidence Reports must be submitted to the department annually, on or before Jan. 31. The first Annual Backlogged Evidence Report was due on or before Jan. 31, 2016. If no backlogged evidence exists, local law enforcement agencies and laboratories are still required to submit an Annual Backlogged Evidence Report to the department by Jan. 31, noting that no backlogged evidence exists.

What is the difference between Annual Backlogged Evidence Report and Initial Inventory Report?

The Annual Backlogged Evidence Report captures the backlogged evidence at a police department or laboratory. This report is due each year by Jan. 31. It should include sexual assault evidence that is awaiting testing for 12 months or more. Local law enforcement agencies and laboratories should submit an annual report even if there is ZERO backlogged sexual assault evidence.

Evidence is awaiting testing if it meets all the following conditions:

1. It has been collected by and is in the possession of local law enforcement agency.
2. It has not received DNA and other appropriate forensic analyses.
3. It is related to a criminal case or investigation in which final disposition has not been reached.
4. It should undergo DNA or other appropriate forensic analysis as determined by a local law enforcement agency.

Notably, a case or investigation has reached final disposition if:

1. A conviction or acquittal of all suspected perpetrators of the crime is involved.

2. A local law enforcement agency is in possession of the sexual assault evidence and has determined the case is unfounded.
3. A declaration is made by the victim that a sexual assault has, in fact, not occurred.

The Initial Inventory Report captures the inventory of evidence not yet submitted to a laboratory for testing as of Sept. 7, 2015. This report was due only in the first reporting year -- 2015. The law does not define what constitutes inventory for the purpose of submitting data to the Department.

To submit additional questions:

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Persons with a disability who require an alternate format of this notice (for example, large print, audiotape, Braille) should contact Dr. Lute at the Department of Health, Bureau of Laboratories 110 Pickering Way, Exton, PA 19341-1310, 610-280-3464. Speech- or hearing-impaired persons may call by using V/TT: 717-783-6154 or the Pennsylvania AT&T Relay Service at 800-654-5984 [TT].