

WAC 446-95-010 Authority and purpose. (1) RCW 43.43.545 requires the Washington state patrol to create and operate a statewide sexual assault kit tracking system. The authority the legislature gave to the Washington state patrol to implement a tracking system requires adoption of rules establishing a uniform sexual assault kit to allow successful implementation of the sexual assault kit tracking initiative.

(2) The purposes of these rules are to:

(a) Implement the intent and purpose of RCW 43.43.545 and 43.43.546 to track the location and status of sexual assault kits throughout the criminal justice process, including the initial collection and possible storage at medical facilities, receipt and storage at law enforcement agencies, receipt and analysis at forensic laboratories, and possible destruction.

(b) Establish standards and procedures to track the location and status of sexual assault kits throughout the criminal justice process.

(3) These rules are necessary to:

(a) Ensure all sexual assault kits used within the state of Washington are standardized for tracking in the sexual assault kit tracking system;

(b) Allow medical facilities performing sexual assault forensic examinations, law enforcement agencies, prosecutors, the Washington state patrol forensic laboratory services bureau, and other entities having custody of sexual assault kits to update the status and location of sexual assault kits; and

(c) Allow survivors of sexual assault to anonymously track or receive updates regarding the status and location of their sexual assault kits.

(4) These rules apply to all entities participating in the sexual assault kit tracking system established by the Washington state patrol. Pursuant to RCW 35.21.195, 36.27.020, 36.28.200, 43.43.546, and 70.41.365, those entities include, but are not limited to:

(a) Hospitals licensed under chapter 70.41 RCW performing sexual assault forensic examinations in the state of Washington;

(b) Washington state patrol forensic laboratory services bureau;

(c) All commissioned city, county, and state law enforcement officers; and

(d) Prosecuting attorneys.

(5) The sexual assault kit tracking system is not intended to replace or alter existing chain of custody systems, processes, procedures, rules, regulations, or legal requirements of any participating entity.

(6) This rule is not intended to provide grounds to challenge the admissibility of DNA evidence in court proceedings. Nothing in this section is intended to create a private right of action or claim on the part of any individual, entity, or agency against commissioned city, county, and state law enforcement agencies.

[Statutory Authority: RCW 43.17.060. WSR 18-10-089, § 446-95-010, filed 5/1/18, effective 6/1/18.]