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Governor Baker Signs Legislation Requiring Preservation of Sexual Assault Evidence
Will require forensic evidence be preserved for as long as statute of limitations

BOSTON – Governor Charlie Baker today signed H. 4364, An Act relative to the preservation of evidence for victims of rape and sexual assault, to ensure that potentially crucial forensic evidence is preserved and retained for at least as long as the 15 year statute of limitations for sexual assault and rape. At a signing ceremony and press conference led by Lieutenant Governor Karyn Polito in the State House, members of the Baker-Polito Administration, legislators, members of the non-profit organization RISE and advocates celebrated passage of this legislation and significant progress for survivors of sexual assault and rape who have faced significant challenges and trauma from the burdens of the prior policies of our criminal justice system.

“Trauma can have a devastating effect on a person’s health and well-being. A survivor of sexual assault or rape should not be burdened with a short timeframe and constant reminders from our criminal justice system, and I am pleased this new law will allow survivors to focus on healing,” said Governor Charlie Baker. “Extending the retention period for evidence to match the statute of limitations is a commonsense change that will help survivors seek justice when they are ready to pursue a criminal justice response.”

“Removing the burden from the victim to keep evidence from being destroyed is a very important step for our criminal justice system, and most of all, for the well-being of survivors of sexual assault and rape,” said Lieutenant Governor Karyn Polito,
Chair of the Governor’s Council to Address Sexual Assault and Domestic Violence.
“We want to thank our colleagues in the legislature for collaborating on this legislation because preserving this type of evidence could make all the difference in convicting defendants on trial for sexual assault or rape.”

The new law requires governmental entities, such as local police departments, to retain forensic evidence obtained through the investigation of a sexual assault or rape for a minimum of fifteen years, which is the statute of limitations for crimes of sexual assault and rape. Previously, such evidence was only required to be retained for a period of six months unless victims petitioned every six months to have it preserved.

“In a criminal prosecution there are few better ways to achieve a conviction than by presenting conclusive forensic evidence linking the defendant to the crime,” said Public Safety and Security Secretary Daniel Bennett. “By extending the period that such evidence must be kept we are improving our ability to bring criminals who have committed such heinous crimes to justice.”

“Someone who has experienced sexual violence needs time to heal. It is incumbent on us to support survivors by ensuring that they have the time they need to seek justice,” said Health and Human Services Secretary Marylou Sudders. “With this legislation, we take a big step forward in ensuring that the justice system works.”

“With the National dialogue around sexual assault, I am pleased to see Massachusetts taking the lead in this small but important step in protecting the rights of survivors,” said Representative Tricia Farley-Bouvier.

“Sexual assault is one of the most traumatizing and emotionally devastating experiences an individual can go through,” said State Senator Cynthia Creem. “We’ve extended the time period that evidence must be kept so that survivors don’t have to revisit the assault every six months.”

“We are thankful for Governor Baker and statehouse legislators for enacting this bill preventing the destruction of critical evidence for sexual assault survivors for the duration of time they have to file charges – 15 years,” said Amanda Nguyen, President and Founder of Rise.

Additional elements of the new law:

- Requires hospitals to inform survivors that sexual assault testing kits will be retained for a minimum of fifteen years;
• Stipulates that any evidence currently in the possession of a police department or other governmental entity be retained for the remainder of the statute of limitations for each case; and
• To ensure that forensic evidence is properly preserved, requires the State Police Crime Laboratory to promulgate regulations regarding minimum standards for evidence retention and chain-of-custody protocol.

Rise has already passed a federal Sexual Assault Bill of Rights, which was signed into law by the President on October 7, 2016 and introduced legislation in California, Oregon and New York.

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