

California Department of Justice
DIVISION OF LAW ENFORCEMENT
Kevin Gardner, Chief



INFORMATION BULLETIN

Subject:

AB 3118 SEXUAL ASSAULT EVIDENCE KITS-
REPORTING REQUIREMENTS AND
NOTICE OF GRANT FUNDS

No.

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TO: ALL LOCAL LAW ENFORCEMENT AGENCIES

This Bulletin provides a summary of the recently enacted Assembly Bill 3118 (Cal. Stats. 2018, ch. 950), which requires every law enforcement agency, medical facility, crime laboratory, and other facilities, as specified in the statute, to conduct an audit of all untested sexual assault evidence kits in their possession, no later than July 1, 2019. This Bulletin also provides information on the Department of Justice's (DOJ) Untested Sexual Assault Evidence Grant program, which provides grant funds to counties and cities to count the number of untested sexual assault evidence kits in their possession. **The grant application period opens November 7, 2018 and closes December 14, 2018.**

SUMMARY OF AB 3118

AB 3118, which amended Penal Code section 680.4, requires every law enforcement agency, medical facility, crime laboratory, and any other facility that receives, stores, or preserves sexual assault evidence kits, to conduct an audit of all untested sexual assault evidence kits in their possession and submit a report to the DOJ containing the following information:

- The total number of untested sexual assault kits in their possession.
- For each kit, the following information:
 - Whether or not the assault was reported to a law enforcement agency.
 - For kits where the victim has chosen not to pursue prosecution at the time of the audit, only the number of kits.
 - For all other kits, the following data, as applicable:
 - The date the kit was collected.
 - The date the kit was picked up by a law enforcement agency, for each law enforcement agency that has taken custody of the kit.
 - The date the kit was delivered to a crime laboratory.
 - The reason the kit has not been tested, if applicable.

Each entity required to conduct an audit pursuant to AB 3118 is required to report this information to the DOJ no later than July 1, 2019.

INTENDED PROTOCOL TO COMPLY WITH AB 3118

The mechanism for reporting this information shall be recorded utilizing the attached spreadsheet. Each affected agency must report their data based on the inventory of untested sexual assault evidence kits that were obtained prior to **October 1, 2018**. Any sexual assault evidence kits inventoried after this date shall not be included in the report.


As noted above, all inventory reports must be submitted to the DOJ no later than July 1, 2019.

GRANT FUNDS AVAILABLE

In addition to the reporting requirements of Penal Code section 680.4, the state enacted SB 862 (Cal. Stats. 2018, ch. 449), which, among other things, appropriated \$1 million to DOJ for grants to city and county agencies to count the number of untested sexual assault evidence kits in their possession. The DOJ will award grant funds to city and county agencies that apply for funds through a Request for Applications (RFA). **The grant application period opens November 7, 2018 and closes on December 14, 2018.** This RFA is a non-competitive application process that will reimburse eligible agencies for some or all of the costs incurred during the inventory process. There is no requirement to apply for funds to maintain compliance with Penal Code section 680.4; rather, the grant is intended to offset expenses associated with the workload from this mandate. An agency is still required to comply with the requirements in AB 3118 regardless of whether the agency is awarded grant funds. You may find the RFA and funding requirements at <https://oag.ca.gov/bfs>.

Any questions regarding this Bulletin may be directed to Stacy Thomas at (916) 210-7440 or by e-mail at USAEG@doj.ca.gov.

Sincerely,



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For XAVIER BECERRA
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