

# S. 3250: The SAFER Act of 2012

## *END THE RAPE KIT BACKLOG*

- ❖ The nationwide backlog of untested rape kits is a national scandal with tragic consequences for sexual assault victims. An estimated 400,000 rape kits currently sit untested in labs and on police storage shelves across the nation—each one of them holding the potential to solve a crime, imprison a rapist and provide a victim with the justice they deserve. The SAFER Act will help end the rape kit backlog with no new spending by better targeting existing funds under the Debbie Smith Act.
- ❖ This legislation is endorsed by key national victims' rights groups such as: the Rape, Abuse and Incest National Network (RAINN), the National Alliance to End Sexual Violence (NAESV), the National Coalition Against Domestic Violence (NCADV), the National Organization for Victim Assistance (NOVA), Hope Exists After Rape Trauma (HEART), Natasha's Justice Project, and the Joyful Heart Foundation. **Sponsored by Senators Cornyn, Bennet, Kirk, Franken, Klobuchar, and Collins.**
- ❖ There are two distinct rape kit backlogs in the United States: (1) the well-known backlog of untested kits that have already been submitted to a laboratory for testing; and (2) the hidden backlog of kits in law enforcement storage that have not been submitted for testing. This second backlog is of particular concern because, according to a February 2011 report by the National Institute of Justice: "Federal programs to reduce backlogs in crime laboratories are not designed to address untested evidence stored in law enforcement agencies."
- ❖ The SAFER Act will help State and local law enforcement agencies to end both the laboratory and storage rape kit backlogs by providing State and local governments with funding to conduct one-year audits of the untested sexual assault evidence in their possession. Similar audits conducted in local jurisdictions across the country have uncovered tens of thousands of untested rape kits.
- ❖ The SAFER Act will also create a national sexual assault forensic evidence registry to help track these audits, prioritize the analysis of untested rape kits and better target existing Debbie Smith Act appropriations. SAFER Act grantees would be required to identify and upload to the registry a small number of pieces of critical information about each audited rape kit, such as: (1) the date of the sexual assault to which the kit relates; (2) the jurisdiction in which the sexual assault occurred; (3) the date on which the statute of limitations for the sexual in question would bar prosecution; and (4) the testing status of the rape kit.
- ❖ Finally, the SAFER Act will ensure that more Debbie Smith Act grant funds are awarded directly to State and local governments to end the rape kit backlog. Current law only requires that 40% of these funds be spent on analyzing untested crime scene evidence. The SAFER Act will amend current law to require that 75% of Debbie Smith Act appropriations are used directly on analyzing untested DNA evidence from crime scenes or enhancing the capacity of labs to do so.
- ❖ Similar bipartisan legislation (H.R. 1523) has been introduced in the House of Representatives by Rep. Carolyn Maloney (D-NY) and Rep. Ted Poe (R-TX). It has attracted a broad bipartisan slate of more than 30 cosponsors.