



# MIKE DEWINE

★ OHIO ATTORNEY GENERAL ★

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March 23, 2015

Dear Law Enforcement Colleague,

Today, SB 316 becomes law. This new law requires law enforcement agencies to submit violent crime evidence for laboratory DNA analysis within a specified time period.

The law is an important step in my office's continuing effort to collect untested sexual assault examination kits (SAK) for DNA analysis. Through our SAK Testing Initiative, which began in 2011, our Bureau of Criminal Investigation (BCI) has collected over 9,000 rape kits. Of the rape kits our lab has tested so far, over 2,000 have resulted in a DNA database hit to a known offender, helping to identify serial rapists and solve cold cases.

Law enforcement agencies are considered to be in possession of a SAK if it is maintained at any "government evidence-retention entity." This includes: law enforcement agencies, prosecutor's offices, public hospitals, or crime labs. If a sexual assault examination kit has been collected by a local hospital, the corresponding law enforcement agency is responsible for retrieving the kit and submitting to BCI or other crime laboratory within 30 days. Additionally, the new law applies to investigations that involve one or more persons who may have committed or participated in aggravated murder, murder, voluntary manslaughter, first or second degree felony involuntary manslaughter, first or second degree felony, aggravated vehicular homicide, rape, sexual battery, gross sexual imposition, or attempted rape.

### **Existing cases (submit as soon as possible or within one year)**

All law enforcement agencies are to review their records and reports of specified homicide and sex offenses (see below) and determine if a SAK was collected as part of the investigation. The SAK must be submitted to BCI or to another crime laboratory as soon as possible or at the latest by March 23, 2016 -- one year after the law's effective date. Please also consider the Statute of Limitations and other relevant factors in prioritizing older cases when submitting SAKs.

### **New cases (submit within 30 days)**

Any investigation started after today, March 23, 2015, that involves a specified homicide or sex offense and includes a SAK must be submitted to BCI or to another crime laboratory for DNA analysis within 30 days. Timely submission of new cases will help ensure that this valuable DNA evidence does not linger in evidence rooms or hospital collection sites.

Thank you for helping to protect Ohio families. If you have questions about this new law or how to submit evidence to BCI, please contact BCI Laboratory at 740-845-2001 or [bci@ohioattorneygeneral.gov](mailto:bci@ohioattorneygeneral.gov).

Very respectfully yours,

Mike DeWine  
Ohio Attorney General