



Susan Wengraf
Councilmember District 6

CONSENT CALENDAR
July 24, 2018

To: Honorable Mayor and Members of the City Council
From: Councilmembers Wengraf, Droste, Maio, and Hahn
Subject: Resolution in Support of AB-3118 and SB-1149

RECOMMENDATION

Adopt a Resolution in support of [AB-3118](#) (Chiu, Gonzalez Fletcher) Sexual assault: investigations and [SB-1449](#) (Leyva) Rape kits: testing.

Direct the City Clerk to send copies of the adopted resolution to the authors of the bills, Governor Jerry Brown, State Senator Nancy Skinner, and State Assembly Member Tony Thurmond.

FINANCIAL IMPLICATIONS

None.

BACKGROUND

A rape kit, or sexual assault kit, is a voluntary exam for victims directly after an attack occurs. The process can take up to six hours and collects DNA evidence from the victim's clothing and body.

Sexual assault survivors go through the lengthy and invasive medical process of having a medical provider collect DNA from their body because they hope to bring the perpetrator to justice and prevent further assaults. Yet an estimated 13,000 rape kits in California remain untested according to advocacy group End the Backlog.

California has recently witnessed the cost of untested rape kits. The Golden State Killer was recently arrested, after more than 50 known rapes and 12 murders between 1976 and 1986, when a long untested rape kit was finally processed. A suspected Bay Area serial rapist was caught after a shelved 2008 rape kit was finally tested. Unfortunately that was after a known attempted rape and murder of a local woman. As state Senator Nancy Skinner was quoted in the [SF Chronicle](#), "Leaving any kit on the shelf in a police department gives serial rapists a free pass."

AB-3118 would require agencies (laboratories and law enforcement) involved with receiving sexual assault evidence kits to conduct an audit of all of their untested "rape kits" and report that information to the DOJ by July 1, 2019. The DOJ would prepare and submit a report to the State Legislature regarding audit results by July 1, 2020. By

mandating this program the state would be mandated provide reimbursement for certain program costs.

SB-1449 would impose a state mandated local program that imposes a higher level of service from law enforcement agencies to process rape kits (ie: says they “shall” process kits vs. “should”). SB-1449 also mandates the state to reimburse local agencies for costs associated with testing rape kits.

ENVIRONMENTAL SUSTAINABILITY

No effect

CONTACT PERSON

Councilmember Wengraf Council District 6 510-981-7160

Attachments:

- 1: Recipient addresses
- 2: Resolution

Resolution sent to the following:

Senator Leyva
State Capitol, Room 4061
Sacramento, CA 95814

Assembly Member Chiu
State Capitol
P.O. Box 942849
Sacramento, CA 94249-0017

Assembly Member Gonzalez Fletcher
State Capitol
P.O. Box 942849
Sacramento, CA 94249-0080

Governor Jerry Brown
c/o State Capitol, Suite 1173
Sacramento, CA 95814

State Senator Nancy Skinner
State Capitol, Room 2059
Sacramento, CA 95814

State Assembly Member Tony Thurmond
State Capitol
P.O. Box 942849
Sacramento, CA 94249-0015



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Councilmember District 6

RESOLUTION NO. ##,###-N.S.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF BERKELEY IN SUPPORT OF AB-3118 (CHIU,
GONZALEZ FLETCHER) SEXUAL ASSAULT:
INVESTIGATIONS; AND SB-1149 (LEYVA) RAPE KITS:
TESTING

WHEREAS, sexual assault survivors go through the lengthy and invasive medical process of having a medical provider collect DNA from their body because they hope to bring perpetrators to justice and prevent further assaults; and

WHEREAS, an estimated 13,000 rape kits in California remain untested according to advocacy group End the Backlog; and

WHEREAS, California has witnessed the cost of untested rape kits. Most notably, the Golden State Killer was recently arrested, after more than 50 known rapes and 12 murders between 1976 and 1986, when a long untested rape kit was finally processed; and

WHEREAS, a suspected Bay Area serial rapist was caught after a shelved 2008 rape kit was finally tested. Unfortunately that testing came after another attempted rape and the murder of a local woman; and

WHEREAS, AB-3118 would require agencies (laboratories and law enforcement) involved with receiving sexual assault evidence kits to conduct an audit of all of their untested “rape kits” and report that information to the DOJ by July 1, 2019; and

WHEREAS, SB-1449 would impose a state mandated local program that imposes a higher level of service from law enforcement agencies to process rape kits (says they “shall” process kits vs. “should”); and

WHEREAS, both pieces of legislation strengthen existing laws to process rape kits in a timely manner which aides in apprehending perpetrators.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Berkeley that the Council supports AB-3118 (Chiu, Gonzalez Fletcher) Sexual Assault: Investigations; and SB-1149 (Leyva) Rape Kits: Testing.