

## **Comprehensive PERK Legislation Summary for Health Care Providers**

The PERK legislation (Virginia Code § 19.2-11.5 through 19.2-11.12) is designed to ensure the consistent handling of PERKs collected from sexual assault victims across Virginia. Health care providers, defined under the legislation as “any hospital, clinic, or other medical facility that provides forensic medical examinations to victims of sexual assault”, have the following responsibilities under the legislation.

### **Health Care Provider Responsibilities for PERKs with Victim Reporting Offense**

#### **A. Notify Law Enforcement Forthwith Once PERK Collected**

If the victim elects to report the sexual assault to law enforcement at the time the PERK is collected, the health care provider is required to notify the investigating law enforcement agency forthwith that the kit has been collected, and the law enforcement agency is required to take possession of the kit forthwith upon receiving such notice.

### **Health Care Provider Responsibilities for Anonymous PERKs**

Anonymous PERKs are kits collected from victims of sexual assault who elect not to make a report of the offense to law enforcement at the time of their examination.

#### **A. Provide Information to Victim**

1. At the time of the exam, health care providers shall complete and have the victim sign the Anonymous PERK Storage Notification Form. Health care providers shall provide the victim a copy of the fully executed Anonymous PERK Storage Notification Form.
2. Health care providers shall inform the victim of the following:
  - a. The Anonymous PERK will be forwarded to the Division of Consolidated Laboratory Services (DCLS) for storage for a minimum period two (2) years from receipt.
  - b. How the victim can have their PERK released to law enforcement at a later date.
  - c. How the victim can object to the destruction of their PERK by contacting DCLS to request their PERK be held for an additional ten (10) years before the end of the initial two (2) year storage period.
  - d. That unless DCLS is contacted by law enforcement or the victim, DCLS may destroy their PERK after the two (2) year storage period.

**\*\* The Anonymous PERK Storage Notification Form is available on the DCLS website at:**  
<https://dgs.virginia.gov/dcls/PERK>

#### **B. Forward Anonymous PERKs to DCLS**

All Anonymous PERKs must be forwarded by the health care provider to the Division of Consolidated Laboratory Services (DCLS) for storage. DCLS is required to store these kits for a minimum of two years, but will retain the kits for an additional ten (10) years if notified in writing by the victim or requested by an investigating law enforcement agency. If the victim makes a report to law enforcement, DCLS is required to release the PERK to the law enforcement agency.

**\*\* The Anonymous PERK Submission Instructions are available on the DCLS website at:**  
<https://dgs.virginia.gov/dcls/PERK>