

SENATE THIRD READING
SB 733 (Wahab)
As Amended September 5, 2025
Majority vote

SUMMARY

Authorizes a sexual assault survivor who is 18 years of age or older and who is undecided whether to report a sexual assault to law enforcement at the time of a sexual assault examination to request that all medical evidence collected from them not be tested.

Major Provisions

- 1) Prohibits a medical facility from submitting the sexual assault kit to a crime laboratory if a request not to test is made at the time of the sexual assault examination.
- 2) Requires the investigating agency to retain the kit until the sexual assault survivor requests testing. A kit may be destroyed with notice to the victim, as specified.
- 3) States if the request is made after the examination, the investigating agency must either retain the kit or if sent to a crime laboratory, the crime laboratory must return the kit to the investigating agency to retain.
- 4) States if a sexual assault survivor has requested not to test their kit, they may later request that their kit be tested regardless of whether they also decide to make a report to law enforcement.

COMMENTS

According to the Author

"Senate Bill (SB) 464 (Chapter 715, Statutes of 2023) took a vital step towards empowering survivors by requiring sexual assault kits (SAKs) to be tested, ensuring legal protections, and keeping survivors informed about their cases. Despite advancements that put victims first, vague legal language led to confusion among first responders, resulting in inconsistent practices across California that left many survivors feeling unheard and powerless. SB 733 directly addresses this gap by cleaning up ambiguities in SB 464. SB 733 establishes clarity allowing survivors 18 years or older and who are undecided about making a report to law enforcement to request that their SAKs remain untested until they make that choice. SB 733 reaffirms that survivors have the right to decide how and when to engage with the justice system. In establishing consistency, SB 733 safeguards the self-determination of victims, creates uniformity in outcomes, and ensures California upholds the autonomy that every survivor deserves."

Arguments in Support

According to the California Sexual Assault Investigators Association: SB 733 strengthens California law by clarifying the rights of survivors who are undecided about reporting at the time of their sexual assault forensic medical evidentiary exam. The bill creates a clear and enforceable right for survivors aged 18 and older who receive a non-investigated report exam (also known as a VAWA exam) to request that their Sexual Assault Kit (SAK) not be tested unless and until they are ready—regardless of whether they ultimately choose to engage with law enforcement.

This is a critical step toward consistency across California. While Penal Code §13823.95 and SB 464 (2023) laid essential groundwork, their protections have not been implemented uniformly across jurisdictions. SB 733 provides the clear legal guidance needed to ensure informed consent and equal access to survivor-centered care statewide.

SB 733 also addresses the need for accountability: kits associated with a report to law enforcement must be tested. This dual approach affirms survivor autonomy and supports public trust in our systems. In addition, SB 733 reinforces protections for victim minors by requiring kits collected from them to be tested, recognizing the complexity and sensitivity of those cases and the importance of preserving forensic evidence from the outset. This legislation reflects a thoughtful, survivor-centered, and evidence-based policy solution. We respectfully urge the Committee to pass SB 733 and help ensure that all survivors—regardless of where they live or their readiness to engage with law enforcement—receive consistent, respectful, and legally sound care.

Arguments in Opposition

None submitted.

FISCAL COMMENTS

Unknown.

VOTES

SENATE FLOOR: 37-0-3

YES: Allen, Alvarado-Gil, Arreguín, Ashby, Becker, Blakespear, Cabaldon, Caballero, Cervantes, Choi, Cortese, Dahle, Durazo, Gonzalez, Grayson, Grove, Hurtado, Jones, Laird, Limón, McGuire, McNerney, Menjivar, Niello, Ochoa Bogh, Padilla, Pérez, Richardson, Seyarto, Smallwood-Cuevas, Stern, Strickland, Umberg, Valladares, Wahab, Weber Pierson, Wiener

ABS, ABST OR NV: Archuleta, Reyes, Rubio

ASM PUBLIC SAFETY: 9-0-0

YES: Schultz, Alanis, Mark González, Haney, Harabedian, Lackey, Nguyen, Ramos, Sharp-Collins

ASSEMBLY FLOOR: 77-0-2

YES: Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Castillo, Chen, Connolly, Davies, DeMaio, Dixon, Elhawary, Ellis, Flora, Fong, Gabriel, Gallagher, Garcia, Gipson, Jeff Gonzalez, Mark González, Hadwick, Haney, Harabedian, Hart, Hoover, Irwin, Jackson, Kalra, Krell, Lackey, Lee, Lowenthal, Macedo, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Celeste Rodriguez, Michelle Rodriguez, Rogers, Blanca Rubio, Sanchez, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Ta, Tangipa, Valencia, Wallis, Ward, Wicks, Wilson, Zbur, Rivas

ABS, ABST OR NV: Addis, Ransom

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CONSULTANT: Kimberly Horiuchi / PUB. S. / (916) 319-3744

FN: 0001764