

1 HB137
2 208994-1
3 By Representative Brown (C)
4 RFD: Judiciary
5 First Read: 02-FEB-21
6 PFD: 01/26/2021

SYNOPSIS: This bill would create the Sexual Assault Survivors Bill of Rights and provide certain rights to all victims of sexual assault.

This bill would require written notification of the rights be provided to sexual assault victims.

This bill also creates the Sexual Assault Task Force.

A BILL
TO BE ENTITLED
AN ACT

Relating to sexual assault victims; to provide certain rights to victims of sexual assault; to require written notification of the rights be provided to sexual assault victims; and to create the Sexual Assault Task Force.
BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. This act shall be known and may be cited as the Sexual Assault Survivors Bill of Rights.

1 Section 2. (a) A sexual assault survivor has the
2 following rights:

3 (1) Not to be prevented from, or charged for,
4 receiving a medical forensic examination.

5 (2) To have a sexual assault evidence collection kit
6 or its probative contents preserved by law enforcement,
7 without charge, for at least 20 years or until the survivor
8 reaches 40 years of age if the survivor was a minor when the
9 assault occurred.

10 (3) Upon request, to be informed by the
11 investigating law enforcement agency, of test results from the
12 sexual assault evidence kit, including a DNA profile match, or
13 other information collected as part of a medical forensic
14 examination, if the disclosure would not impede or compromise
15 an ongoing law enforcement investigation.

16 (4) Upon written request, to be informed of policies
17 governing the collection and preservation of a sexual assault
18 evidence collection kit.

19 (5) Upon written request, to receive written
20 notification, from the investigating law enforcement agency
21 with custody of the kit or its probative contents, of the
22 intended destruction or disposal of the kit or its probative
23 contents at least 60 days before the intended destruction or
24 disposal.

25 (6) Upon written request, to be granted further
26 preservation of the kit or its probative contents for an
27 additional 20 years.

1 (7) To be informed of the rights under this
2 subsection.

3 (b) The term sexual assault, as used in this
4 section, is defined as any nonconsensual sexual act proscribed
5 by federal, tribal, or state law, including when the victim
6 lacks capacity to consent.

7 Section 3. The Attorney General shall develop a
8 survivor notification document to be distributed by a law
9 enforcement officer or a medical provider upon initial contact
10 with a survivor of sexual assault. The notification document
11 shall be made available on the Attorney General's public
12 website. The document shall include, but is not limited to,
13 the following information:

14 (1) A clear statement that the survivor has the
15 right not to be prevented from, nor charged for, receiving a
16 sexual assault medical forensic examination.

17 (2) A clear statement that the survivor has a right
18 to have a sexual assault medical forensic examination,
19 regardless of whether the survivor reports to or cooperates
20 with law enforcement.

21 (3) The availability and contact information of a
22 sexual assault advocate.

23 (4) The availability of protective orders, policies
24 related to their enforcement, and the process to obtain
25 protection orders.

26 (5) Policies regarding the storage, preservation,
27 and disposal of sexual assault evidence collection kits.

1 (6) The process, if any, to request the preservation
2 of sexual assault evidence collection kits.

3 (7) Instructions for requesting the test results
4 upon the forensic or probative evidence of the kits from the
5 investigating law enforcement agency.

6 (8) Information about state and federal compensation
7 funds available for medical or other costs associated with the
8 case and the availability of victim compensation and
9 restitution.

10 Section 4. (a) The Attorney General shall establish
11 the Sexual Assault Task Force. The task force shall develop,
12 coordinate, and disseminate best practices regarding the care
13 and treatment of sexual assault survivors and the preservation
14 of forensic evidence.

15 (b) The task force shall consist of the following
16 members:

17 (1) Two appointees selected by the Attorney General,
18 with at least one appointee being a victim's rights advocate.

19 (2) Two appointees selected by the Governor.

20 (3) One appointee selected by the District Attorneys
21 Association.

22 (4) One appointee selected by the Department of
23 Forensic Sciences.

24 (5) One appointee selected by the Medical
25 Association of the State of Alabama.

26 (6) Three members of the Senate appointed by the
27 chair of the Senate Judiciary Committee.

1 (7) Three members of the House of Representatives
2 appointed by the chair of the House Judiciary Committee.

3 (8) One appointee selected by the Alabama Sheriffs
4 Association.

5 (9) One appointee by the Commissioner of Mental
6 Health.

7 (c) The appointing authorities shall coordinate
8 their appointments to assure the task force membership is
9 inclusive and reflects the racial, gender, geographic, urban,
10 rural, and economic diversity of the state.

11 (d) Task force members shall serve without
12 compensation, but may be reimbursed for actual expenses
13 associated with attending meetings by the respective
14 appointing authorities according to applicable law.

15 (e) The task force shall consult with all of the
16 following:

17 (1) Stakeholders in law enforcement, prosecution,
18 forensic laboratory, counseling, forensic examiner, medical
19 facility, and medical provider communities.

20 (2) Representatives of at least three entities with
21 demonstrated expertise in sexual assault prevention, sexual
22 assault advocacy, or representation of sexual assault victims,
23 and at least one representative shall be a sexual assault
24 victim.

25 (f) The task force shall have the following
26 responsibilities specifically regarding the care and treatment
27 of sexual assault survivors and preservation of evidence:

1 (1) Develop recommendations for improving the
2 coordination of the dissemination and implementation of best
3 practices and protocols to hospital administrators,
4 physicians, forensic examiners, and other medical associations
5 and leaders in the medical community.

6 (2) Encourage, where appropriate, the adoption and
7 implementation of best practices and protocols among hospital
8 administrators, physicians, forensic examiners, and other
9 medical associations and leaders in the medical community.

10 (3) Develop recommendations to promote the
11 coordination of the dissemination and implementation of best
12 practices to the Attorney General, the Secretary of the
13 Alabama State Law Enforcement Agency, the Director of the
14 Department of Forensic Sciences, and other leaders in the law
15 enforcement community.

16 (4) Develop and implement, where practicable,
17 incentives to encourage the adoption or implementation of best
18 practices with the Attorney General, the Secretary of the
19 Alabama State Law Enforcement Agency, the Director of the
20 Department of Forensic Sciences, and other leaders in the law
21 enforcement community.

22 (5) Collect feedback from stakeholders,
23 practitioners, and leadership throughout law enforcement,
24 victim services, forensic science practitioners, and health
25 care communities to inform development of future best
26 practices or clinical guidelines.

1 (6) Perform other activities, such as activities
2 relating to development, dissemination, outreach, engagement,
3 or training associated with advancing victim-centered care for
4 sexual assault survivors.

5 (g) No later than two years after the effective date
6 of this act, the task force shall submit to the Attorney
7 General, the Legislature, and the Governor, a report
8 containing the findings and recommended actions of the task
9 force.

10 Section 5. This act shall become effective on the
11 first day of the third month following its passage and
12 approval by the Governor, or its otherwise becoming law.