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H.25

Introduced by Representatives Grad of Moretown, Conquest of Newbury,
LaLonde of South Burlington, and Morris of Bennington

Referred to Committee on

Date:

Subject: Crimes; sexual assault; sexual assault survivors' rights

Statement of purpose of bill as introduced: This bill proposes to establish the
rights of a sexual assault survivor relating to the collection and retention of
evidence and the provision of information regarding the collection of evidence
and options and services available to the survivor.

An act relating to sexual assault survivors' rights

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 13 V.S.A. § 3281 is added to read:

§ 3281. SEXUAL ASSAULT SURVIVORS' RIGHTS

A sexual assault survivor shall have the following rights:

(1) to receive a medical forensic examination, including any related
toxicology testing, at no cost to the survivor;

(2) to have a sexual assault evidence collection kit or its probative
contents delivered to a forensics laboratory within 72 hours of collection;

1 (3) to have a sexual assault evidence collection kit or its probative
2 contents preserved, without charge, for the duration of the maximum
3 applicable statute of limitations;

4 (4) to be informed of all results of a sexual assault evidence collection
5 kit, including a DNA profile match on a reported or unreported kit, toxicology
6 report, or other information collected as part of a medical forensic
7 examination, if such disclosure would not impede or compromise an ongoing
8 investigation;

9 (5) to be informed in writing of policies governing the collection and
10 preservation of a sexual assault evidence collection kit;

11 (6) upon written request, to receive written notification from the
12 appropriate official with custody not later than 60 days before the date of the
13 intended destruction or disposal and, upon written request, to be granted
14 further preservation of the kit or its probative contents;

15 (7) to be notified by either law enforcement, a sexual assault advocate, a
16 prosecutor's office, or Sexual Assault Nurse Examiner of the following:

17 (A) the right to receive a medical forensic examination, including any
18 related toxicology testing, at no cost;

19 (B) the right to have a sexual assault medical forensic examination
20 regardless of whether the survivor reports to or cooperates with law
21 enforcement;

1 (C) the availability of a sexual assault advocate;

2 (D) the availability of protective orders and policies related to the
3 enforcement of protection orders;

4 (E) policies regarding the storage, preservation, and disposal of
5 sexual assault evidence collection kits;

6 (F) the process, if any, to request preservation of sexual assault
7 evidence collection kits or the probative evidence from such kits; and

8 (G) the availability of victim compensation and restitution.

9 Sec. 2. EFFECTIVE DATE

10 This act shall take effect on July 1, 2017.