

1 SB41
2 196856-4
3 By Senator Ward
4 RFD: Judiciary
5 First Read: 05-MAR-19
6 PFD: 02/27/2019

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4 ENGROSSED

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7 A BILL
8 TO BE ENTITLED
9 AN ACT

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

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

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

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

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

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

7 (4) Upon written request, to be informed of policies
8 governing the collection and preservation of a sexual assault
9 evidence collection kit.

10 (5) Upon written request, to receive written
11 notification, from the investigating law enforcement agency
12 with custody of the kit or its probative contents, of the
13 intended destruction or disposal of the kit or its probative
14 contents at least 60 days before the intended destruction or
15 disposal.

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

19 (7) To be informed of the rights under this
20 subsection.

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

25 Section 3. The Attorney General shall develop a
26 survivor notification document to be distributed by a law
27 enforcement officer or a medical provider upon initial contact

1 with a survivor of sexual assault. The notification document
2 shall be made available on the Attorney General's public
3 website. The document shall include, but is not limited to,
4 the following information:

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

8 (2) A clear statement that the survivor has a right
9 to have a sexual assault medical forensic examination,
10 regardless of whether the survivor reports to or cooperates
11 with law enforcement.

12 (3) The availability and contact information of a
13 sexual assault advocate.

14 (4) The availability of protective orders, policies
15 related to their enforcement, and the process to obtain
16 protection orders.

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

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

21 (7) Instructions for requesting the test results
22 upon the forensic or probative evidence of the kits from the
23 investigating law enforcement agency.

24 (8) Information about state and federal compensation
25 funds available for medical or other costs associated with the
26 case and the availability of victim compensation and
27 restitution.

1 Section 4. (a) The Attorney General shall establish
2 the Sexual Assault Task Force. The task force shall develop,
3 coordinate, and disseminate best practices regarding the care
4 and treatment of sexual assault survivors and the preservation
5 of forensic evidence.

6 (b) The task force shall consist of the following
7 members:

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

10 (2) Two appointees selected by the Governor.

11 (3) One appointee selected by the District Attorneys
12 Association.

13 (4) One appointee selected by the Department of
14 Forensic Sciences.

15 (5) One appointee selected by the Medical
16 Association of the State of Alabama.

17 (6) Three members of the Senate appointed by the
18 chair of the Senate Judiciary Committee.

19 (7) Three members of the House of Representatives
20 appointed by the chair of the House Judiciary Committee.

21 (8) One appointee selected by the Alabama Sheriffs
22 Association.

23 (9) One appointee by the Commissioner of Mental
24 Health.

25 (c) The appointing authorities shall coordinate
26 their appointments to assure the task force membership is

1 inclusive and reflects the racial, gender, geographic, urban,
2 rural, and economic diversity of the state.

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

7 (e) The task force shall consult with all of the
8 following:

9 (1) Stakeholders in law enforcement, prosecution,
10 forensic laboratory, counseling, forensic examiner, medical
11 facility, and medical provider communities.

12 (2) Representatives of at least three entities with
13 demonstrated expertise in sexual assault prevention, sexual
14 assault advocacy, or representation of sexual assault victims,
15 and at least one representative shall be a sexual assault
16 victim.

17 (f) The task force shall have the following
18 responsibilities specifically regarding the care and treatment
19 of sexual assault survivors and preservation of evidence:

20 (1) Develop recommendations for improving the
21 coordination of the dissemination and implementation of best
22 practices and protocols to hospital administrators,
23 physicians, forensic examiners, and other medical associations
24 and leaders in the medical community.

25 (2) Encourage, where appropriate, the adoption and
26 implementation of best practices and protocols among hospital

1 administrators, physicians, forensic examiners, and other
2 medical associations and leaders in the medical community.

3 (3) Develop recommendations to promote the
4 coordination of the dissemination and implementation of best
5 practices to the Attorney General, the Secretary of the
6 Alabama State Law Enforcement Agency, the Director of the
7 Department of Forensic Sciences, and other leaders in the law
8 enforcement community.

9 (4) Develop and implement, where practicable,
10 incentives to encourage the adoption or implementation of best
11 practices with the Attorney General, the Secretary of the
12 Alabama State Law Enforcement Agency, the Director of the
13 Department of Forensic Sciences, and other leaders in the law
14 enforcement community.

15 (5) Collect feedback from stakeholders,
16 practitioners, and leadership throughout law enforcement,
17 victim services, forensic science practitioners, and health
18 care communities to inform development of future best
19 practices or clinical guidelines.

20 (6) Perform other activities, such as activities
21 relating to development, dissemination, outreach, engagement,
22 or training associated with advancing victim-centered care for
23 sexual assault survivors.

24 (g) No later than two years after the effective date
25 of this act, the task force shall submit to the Attorney
26 General, the Legislature, and the Governor, a report

1 containing the findings and recommended actions of the task
2 force.

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

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Senate

Read for the first time and referred to the Senate
committee on Judiciary..... 05-MAR-19

Read for the second time and placed on the calen-
dar 1 amendment..... 20-MAR-19

Read for the third time and passed as amended 21-MAR-19

Yeas 28
Nays 0

Patrick Harris,
Secretary.