

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

1 ENGROSSED

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4 A BILL  
5 TO BE ENTITLED  
6 AN ACT  
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8 Relating to sexual assault victims; to provide  
9 certain rights to victims of sexual assault; to require  
10 written notification of the rights be provided to sexual  
11 assault victims; and to create the Sexual Assault Task Force.  
12 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

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

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

19 b. For the purposes of this subdivision, a health  
20 care provider may bill a health insurer for providing a  
21 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~~ national protocols,  
4 produced by the U.S. Department of Justice, regarding the care  
5 and treatment of sexual assault survivors and the preservation  
6 of forensic evidence.

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

9           (1) Two appointees selected by the Attorney General,  
10 with at least one appointee ~~being a victim's rights advocate~~  
11 selected from the Alabama Crime Victims' Compensation  
12 Commission.

13           (2) Two appointees selected by the Governor.

14           (3) One appointee selected by the District Attorneys  
15 Association.

16           (4) One appointee selected by the Department of  
17 Forensic Sciences.

18           (5) One appointee selected by the Medical  
19 Association of the State of Alabama.

20           (6) Three members of the Senate appointed by the  
21 chair of the Senate Judiciary Committee.

22           (7) Three members of the House of Representatives  
23 appointed by the chair of the House Judiciary Committee.

24           (8) One appointee selected by the Alabama Sheriffs  
25 Association.

26           (9) One appointee selected by the Commissioner of  
27 Mental Health.

1                   (10) One appointee selected by the Alabama Hospital  
2 Association.

3                   (11) One appointee selected by the Commissioner of  
4 the State Department of Human Resources.

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

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

13                   (e) The task force shall consult with all of the  
14 following:

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

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

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

26                   (1) Develop recommendations for improving the  
27 coordination of the dissemination and implementation of ~~best~~

1 ~~practices and protocols to hospital administrators,~~  
2 ~~physicians, forensic examiners, and other medical associations~~  
3 ~~and leaders in the medical community.~~ national protocols,  
4 produced by the U.S. Department of Justice, to physicians,  
5 hospitals, forensic examiners, medical associations, and  
6 leaders in the medical community.

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

11 ~~(3)~~ (2) Develop recommendations to promote the  
12 coordination of the dissemination and implementation of ~~best~~  
13 ~~practices~~ national protocols, produced by the U.S. Department  
14 of Justice, to the Attorney General, the Secretary of the  
15 Alabama State Law Enforcement Agency, the Director of the  
16 Department of Forensic Sciences, and other leaders in the law  
17 enforcement community.

18 ~~(4)~~ ~~(3)~~ ~~Develop and implement, where practicable,~~  
19 ~~incentives to encourage the adoption or implementation of best~~  
20 ~~practices with the Attorney General, the Secretary of the~~  
21 ~~Alabama State Law Enforcement Agency, the Director of the~~  
22 ~~Department of Forensic Sciences, and other leaders in the law~~  
23 ~~enforcement community.~~

24 ~~(5)~~ ~~(4)~~ (3) Collect feedback from stakeholders,  
25 practitioners, and leadership throughout law enforcement,  
26 victim services, forensic science practitioners, and health  
27 care communities ~~to inform development of future best~~

1 ~~practices or clinical guidelines~~ on ways to best ensure  
2 implementation of the national protocols produced by the U.S.  
3 Department of Justice.

4 ~~(6) (5)~~ (4) Perform other activities, such as  
5 activities relating to development, dissemination, outreach,  
6 engagement, or training associated with advancing  
7 victim-centered care for sexual assault survivors.

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

13 Section 5. Nothing in this act shall be construed to  
14 establish a standard of care for medical providers or  
15 physicians, or otherwise modify, amend, repeal, or supersede  
16 any provision of Section 6-5-333, Code of Alabama 1975, the  
17 Alabama Medical Liability Act of 1987, commencing with Section  
18 6-5-540, Code of Alabama 1975, or the Alabama Medical  
19 Liability Act of 1996, commencing with Section 6-5-548, Code  
20 of Alabama 1975, or any amendment to any of these laws or  
21 judicial interpretation of these laws.

22 Section 6. This act shall become effective on the  
23 first day of the third month following its passage and  
24 approval by the Governor, or its otherwise becoming law.



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House of Representatives

Read for the first time and re-  
ferred to the House of Representa-  
tives committee on Judiciary ..... 02-FEB-21

Read for the second time and placed  
on the calendar 2 amendments ..... 10-FEB-21

Read for the third time and passed  
as amended..... 23-FEB-21

Yeas 102, Nays 0, Abstains 0

Jeff Woodard  
Clerk