



Amendment to H.25 – Strike all as introduced
Proposed by the Vermont Network Against Domestic and Sexual Violence
Auburn Watersong – Policy Director
February 2, 2017

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

§ 3281. SEXUAL ASSAULT SURVIVORS' RIGHTS

(a) The General Assembly hereby adopts the “Bill of Rights for Sexual Assault Survivors”. For purposes of this section, “sexual assault survivor” means a person who is a victim of an alleged sexual offense.

(b) When a sexual assault survivor reports, verbally or in writing, an alleged sexual offense to any law enforcement officer, medical provider, or advocate, the recipient of the report shall provide notification, in writing, of the following rights to the survivor:

(1) the right to receive a medical forensic examination and any related toxicology testing, at no cost to the survivor in accordance with 32 V.S.A. §1407, regardless of whether the survivor reports to or cooperates with law enforcement. If the survivor opts to have a medical forensic examination, he or she shall also have the following rights:

(A) the right to have the medical forensic examination collection kit or its probative contents delivered to a forensics laboratory within 72 hours of collection;

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

(C) the right to be informed in writing of policies governing the collection, storage, preservation, and disposal of a sexual assault evidence collection kit;

(D) the right to be informed of a DNA profile match (whether on a reported or confidential kit), toxicology report, or medical record documenting a medical forensic examination, if such disclosure would not impede or compromise an ongoing investigation; and

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

(2) the right to consult with a sexual assault advocate;

(3) the right to information concerning the availability of protective orders and policies related to the enforcement of protection orders;



(4) the right to information about the availability of, and eligibility for, victim compensation and restitution.

(c) The Vermont Network Against Domestic and Sexual Violence and the Sexual Assault Nurse Examiner program, in collaboration with the entities referred to in this section, will develop protocols and written materials to assist all responsible entities in providing notification to victims.

Sec 3. 32 V.S.A. § 1407 is amended to read:

§ 1407. COSTS TO BE BORNE BY THE STATE

(a) As described in this section, the State shall cover the costs of certain medical care for victims of crime committed in this State without health insurance or whose health insurance does not pay for all of the care provided or who expresses concern for their own safety or confidentiality in the event that their insurance is billed.

Sec. 4. EFFECTIVE DATE

This act shall take effect on July 1, 2017.