

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Judiciary to which was referred House Bill No. 25
3 entitled “An act relating to sexual assault survivors’ rights” respectfully reports
4 that it has considered the same and recommends that the bill be amended by
5 striking out all after the enacting clause and inserting in lieu thereof the
6 following:

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

8 § 3281. SEXUAL ASSAULT SURVIVORS’ RIGHTS

9 (a) Short Title. This section may be cited as the “Bill of Rights for Sexual
10 Assault Survivors.”

11 (b) Definition. As used in this section, “sexual assault survivor” means a
12 person who is a victim of an alleged sexual offense.

13 (c) Survivors’ Rights. When a sexual assault survivor makes a verbal or
14 written report to a law enforcement officer, medical provider, or victim’s
15 advocate of an alleged sexual offense, the recipient of the report shall provide
16 written notification to the survivor that he or she has the following rights:

17 (1) The right to receive a medical forensic examination and any related
18 toxicology testing at no cost to the survivor in accordance with 32 V.S.A.
19 § 1407, irrespective of whether the survivor reports to or cooperates with law
20 enforcement. If the survivor opts to have a medical forensic examination, he
21 or she shall have the following additional rights:

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

4 (B) The right to have the sexual assault evidence collection kit or its
5 probative contents preserved without charge for the duration of the maximum
6 applicable statute of limitations.

7 (C) The right to be informed in writing of all policies governing the
8 collection, storage, preservation, and disposal of a sexual assault evidence
9 collection kit.

10 (D) The right to be informed of a DNA profile match on a reported or
11 confidential kit, on a toxicology report, or on a medical record documenting a
12 medical forensic examination, if the disclosure would not impede or
13 compromise an ongoing investigation.

14 (E) Upon written request from the survivor, the right to:

15 (i) receive written notification from the appropriate official with
16 custody not later than 60 days before the date of the kit's intended destruction
17 or disposal; and

18 (ii) be granted further preservation of the kit or its probative
19 contents.

20 (2) The right to consult with a sexual assault advocate.

1 (3) The right to information concerning the availability of protective
2 orders and policies related to the enforcement of protection orders.

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

5 (d) Notification protocols. The Vermont Network Against Domestic and
6 Sexual Violence and the Sexual Assault Nurse Examiner Program, in
7 consultation with other parties referred to in this section, shall develop
8 protocols and written materials to assist all responsible entities in providing
9 notification to victims.

10 Sec. 2. 32 V.S.A. § 1407 is amended to read:

11 § 1407. COSTS TO BE BORNE BY THE STATE

12 (a) As described in this section, the State shall cover the costs of certain
13 medical care for victims of crime committed in this State without health
14 insurance or whose health insurance does not pay for all of the care provided,
15 or who request coverage because of concern that his or her safety or
16 confidentiality would be adversely affected if the insurer were billed.

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18 Sec. 3. EFFECTIVE DATE

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

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2 (Committee vote: _____)

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Representative _____

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FOR THE COMMITTEE