

1 H.703

2 Introduced by Representatives Galfetti of Barre Town and Casey of
3 Montpelier

4 Referred to Committee on

5 Date:

6 Subject: Crimes and criminal procedure; sexual assault survivors' rights

7 Statement of purpose of bill as introduced: This bill proposes to expand the
8 Bill of Rights for Sexual Assault Survivors by guaranteeing that a survivor
9 may have a support person of the survivor's choosing at all stages of any
10 medical forensic examination and criminal investigation; clarify that a survivor
11 may retain private counsel during any criminal investigation and subsequent
12 proceeding; allow the survivor to shower immediately after any medical
13 forensic evaluation; permit the survivor to request a law enforcement officer of
14 the same gender as the survivor for any interviews; and prohibit the use of any
15 evidence gathered during a medical forensic examination to prosecute the
16 survivor for a misdemeanor or any drug crime.

17 An act relating to expanding the Bill of Rights for Sexual Assault Survivors

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

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

3 **§ 3281. SEXUAL ASSAULT SURVIVORS' RIGHTS**

4 (a) Short title. This section may be cited as the “Bill of Rights for Sexual
5 Assault Survivors.”

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

8 (c) Survivors’ rights. When a sexual assault survivor makes a verbal or
9 written report to a law enforcement officer, emergency department, sexual
10 assault nurse examiner, or victim’s advocate of an alleged sexual offense, the
11 recipient of the report shall provide written notification to the survivor that the
12 survivor has the following rights:

13 (1) The right to receive a medical forensic examination and any related
14 toxicology testing at no cost to the survivor in accordance with 32 V.S.A.
15 § 1407, irrespective of whether the survivor reports to or cooperates with law
16 enforcement. If the survivor opts to have a medical forensic examination, the
17 survivor shall have the following additional rights:

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

4 (C) the right to not have any evidence collected pursuant to an
5 examination used to prosecute the survivor for any misdemeanor or a violation
6 of 18 V.S.A. chapter 84 or used as the basis for a warrant to search for any
7 evidence of any unrelated misdemeanor or violation of 18 V.S.A. chapter 84
8 that may have been committed by the survivor;

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

16 **(E)(F)** the right to be informed of the status and location of the sexual
17 assault evidence collection kit; and

18 (F)(G) upon written request from the survivor, the right to:

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

1 (ii) be granted further preservation of the kit or its probative
2 contents.

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

4 (3) The right to information concerning the availability of protective
5 orders and policies related to the enforcement of protective orders.

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

8 (5) The right to information about confidentiality.

1 survivor may consent to such interview or defer until a law enforcement officer
2 of the same gender is available.

3 (10) The right to have private counsel present at any stage of the
4 criminal investigation and any subsequent criminal proceedings. The
5 survivor's choice to employ private counsel shall not disadvantage the survivor
6 in any manner throughout the criminal justice process.

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

12 Sec. 2. EFFECTIVE DATE

13 This act shall take effect on July 1, 2026.