

H.703

Introduced by Representatives Galfetti of Barre Town and Casey of  
Montpelier

Referred to Committee on

Date:

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

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

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;

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

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;

12 ~~(D)~~(E) the right to be informed of a DNA profile match on a kit  
13 reported to law enforcement or on a confidential kit, on a toxicology report, or  
14 on a medical record documenting a medical forensic examination, if the  
15 disclosure would not impede or compromise an ongoing investigation;

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.

9                   (6) The right to have a support person of the survivor's choosing present  
10 during any medical forensic examination. If attendance of the support person  
11 will require a significant delay in conducting the examination, the survivor  
12 shall be advised of the potential consequences of a delay.

13                   (7) The right to have a support person of the survivor's choosing present  
14 during any interview by a law enforcement officer, prosecutor, or defense  
15 attorney.

16                   (8) The right to take a shower immediately after the medical forensic  
17 examination at no cost to the survivor unless shower facilities are not available.

18                   (9) The right to be interviewed by a law enforcement officer who is the  
19 same gender as the survivor, if requested by the survivor. If a law enforcement  
20 officer of the same gender is not available within a reasonable time period, the

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.