CHAPTER 276
SB 391-FN - FINAL VERSION

03/08/2018 0956s
19Apr2018... 1311h

2018 SESSION

18-2902
04/10

SENATE BILL ***391-FN***

AN ACT **relative to sexual assault survivors' rights.**

SPONSORS: **Sen. Soucy, Dist 18; Sen. Carson, Dist 14; Sen. Bradley, Dist 3; Rep. Cushing, Rock. 21**

COMMITTEE: **Judiciary**

AMENDED ANALYSIS

This bill codifies the rights of sexual assault survivors.

Explanation: **Matter added to current law appears in *bold italics.***
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Eighteen

AN ACT relative to sexual assault survivors' rights.

Be it Enacted by the Senate and House of Representatives in General Court convened:

276:1 New Subdivision; Department of Justice; Sexual Assault Survivors' Rights. Amend RSA 21-M by inserting after section 17 the following new subdivision:

Sexual Assault Survivors' Rights

21-M:18 Sexual Assault Survivors' Rights.

I. In addition to the rights of a crime victim provided in RSA 21-M:8-k, a sexual assault survivor shall have the following rights:

(a) The right not to be prevented from, or charged for, receiving a medical examination.

(b) The right to:

(1) Have a sexual assault evidence collection kit or its probative contents preserved, without charge, for the duration of the maximum applicable statute of limitations or 20 years, whichever is shorter;

(2) Be informed of any result of a sexual assault evidence collection kit, including a DNA profile match, toxicology report, or other information collected as part of a medical forensic examination, if such disclosure would not impede or compromise an ongoing investigation; and

(3) Be informed in writing of policies governing the collection and preservation of a sexual assault evidence collection kit.

(c) The right, if the state intends to destroy or dispose of a sexual assault evidence collection kit or its probative contents before the expiration date of the maximum applicable statute of limitations, to:

(1) Upon written request, receive written notification from the prosecutor or appropriate state official with custody not later than 60 days before the date of the intended destruction or disposal; and

(2) Upon written request, be granted further preservation of the kit or its probative contents.

(d) The right to be informed of the rights under this section.

II. In this subdivision, "sexual assault survivor" includes a deceased victim of sexual assault.

21-M:19 Notification of Sexual Assault Survivors' Rights.

I. The attorney general shall provide written notice regarding sexual assault survivors' rights in RSA 21-M:18 to medical centers, hospitals, forensic examiners, sexual assault service providers, state and local law enforcement agencies, and any other state agency or department reasonably likely to serve sexual assault survivors; and shall make the information set forth in RSA 21-M:18 publicly available on the attorney general's Internet website.

II. In addition to the rights set forth in RSA 21-M:18, the attorney general shall provide written notice of the following rights to those entities listed in paragraph I:

(a) The right not to be charged fees for or otherwise prevented from pursuing a sexual assault evidence collection kit.

(b) The right to have a medical examination regardless of whether the survivor reports to or cooperates with law enforcement, and the right to have such examination at no cost pursuant to RSA 21-M:8-c.

(c) The availability of assistance from the office of victim/witness assistance pursuant to RSA 21-M:8-b.

(d) The availability of protective orders and policies related to their enforcement.

(e) Policies regarding the storage, preservation, and disposal of sexual assault evidence collection kits.

(f) The process, if any, to request preservation of sexual assault evidence collection kits or the probative evidence from such kits.

(g) The availability of victim's compensation and restitution pursuant to RSA 21-M:8-k.

276:2 Effective Date. This act shall take effect 60 days after its passage.

Approved: June 18, 2018
Effective Date: August 17, 2018