

Amendment to SB 391-FN

1 Amend the title of the bill by replacing it with the following:

2

3 AN ACT relative to sexual assault survivors' rights.

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5 Amend the bill by replacing all after the enacting clause with the following:

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7 1 New Subdivision; Department of Justice; Sexual Assault Survivors' Rights. Amend RSA 21-
8 M by inserting after section 17 the following new subdivision:

9

Sexual Assault Survivors' Rights

10 21-M:18 Sexual Assault Survivors' Rights.

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

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

14 (b) The right to:

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

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

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

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

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

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

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

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

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1 assault.

2 21-M:19 Notification of Sexual Assault Survivors' Rights.

3 I. The attorney general shall provide written notice regarding sexual assault survivors'
4 rights in RSA 21-M:18 to medical centers, hospitals, forensic examiners, sexual assault service
5 providers, state and local law enforcement agencies, and any other state agency or department
6 reasonably likely to serve sexual assault survivors; and shall make the information set forth in RSA
7 21-M:18 publicly available on the attorney general's Internet website.

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

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

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

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

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

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

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

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

23 2 Effective Date. This act shall take effect 60 days after its passage.

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AMENDED ANALYSIS

This bill codifies the rights of sexual assault survivors.