

114TH CONGRESS
2D SESSION

H. R. 5578

To establish certain rights for sexual assault survivors, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 24, 2016

Mrs. MIMI WALTERS of California (for herself, Ms. LOFGREN, Mr. GOODLATTE, Mr. CONYERS, Mr. GOWDY, Mr. COSTELLO of Pennsylvania, Ms. JACKSON LEE, Mr. NADLER, Mr. SMITH of Texas, Mrs. BROOKS of Indiana, Mr. MEEKS, Mr. RICHMOND, Ms. NORTON, Mrs. COMSTOCK, Ms. STEFANIK, Ms. HERRERA BEUTLER, Mr. COHEN, Mr. KEATING, Mr. BEYER, Mr. JEFFRIES, Mr. JOHNSON of Georgia, Ms. TSONGAS, Mr. LOWENTHAL, Ms. WASSERMAN SCHULTZ, Ms. SPEIER, Ms. DELBENE, and Mr. FARR) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To establish certain rights for sexual assault survivors, and
for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Survivors’ Bill of
5 Rights Act of 2016”.

1 **SEC. 2. SEXUAL ASSAULT SURVIVORS' RIGHTS.**

2 (a) IN GENERAL.—Part II of title 18, United States
3 Code, is amended by adding after chapter 237 the fol-
4 lowing:

5 **“CHAPTER 238—SEXUAL ASSAULT**
6 **SURVIVORS' RIGHTS**

“Sec.
“3772. Sexual assault survivors' rights.

7 **“§ 3772. Sexual assault survivors' rights**

8 “(a) RIGHTS OF SEXUAL ASSAULT SURVIVORS.—In
9 addition to those rights provided in section 3771, a sexual
10 assault survivor has the following rights:

11 “(1) The right not to be prevented from, or
12 charged for, receiving a medical forensic examina-
13 tion.

14 “(2) The right to—

15 “(A) subject to paragraph (3), have a sex-
16 ual assault evidence collection kit or its pro-
17 bative contents preserved, without charge, for
18 the duration of the maximum applicable statute
19 of limitations or 20 years, whichever is shorter;

20 “(B) be informed of any result of a sexual
21 assault evidence collection kit, including a DNA
22 profile match, toxicology report, or other infor-
23 mation collected as part of a medical forensic
24 examination, if such disclosure would not im-

1 pede or compromise an ongoing investigation;
2 and

3 “(C) be informed in writing of policies gov-
4 erning the collection and preservation of a sex-
5 ual assault evidence collection kit.

6 “(3) The right to—

7 “(A) upon written request, receive written
8 notification from the appropriate official with
9 custody not later than 60 days before the date
10 of the intended destruction or disposal; and

11 “(B) upon written request, be granted fur-
12 ther preservation of the kit or its probative con-
13 tents.

14 “(4) The right to be informed of the rights
15 under this subsection.

16 “(b) APPLICABILITY.—Subsections (b) through (f) of
17 section 3771 shall apply to sexual assault survivors.

18 “(c) DEFINITION OF SEXUAL ASSAULT.—In this sec-
19 tion, the term ‘sexual assault’ means any nonconsensual
20 sexual act proscribed by Federal, tribal, or State law, in-
21 cluding when the victim lacks capacity to consent.

22 “(d) FUNDING.—This section, other than paragraphs
23 (2)(A) and (3)(B) of subsection (a), shall be carried out
24 using funds made available under section 1402(d)(3)(A)(i)
25 of the Victims of Crime Act of 1984 (42 U.S.C.

1 10601(d)(3)(A)(i)). No additional funds are authorized to
 2 be appropriated to carry out this section.”.

3 (b) TECHNICAL AND CONFORMING AMENDMENT.—
 4 The table of chapters for part II of title 18, United States
 5 Code, is amended by adding at the end the following:

“238. Sexual assault survivors’ rights 3772”.

6 (c) AMENDMENT TO VICTIMS OF CRIME ACT OF
 7 1984.—Section 1402(d)(3)(A)(i) of the Victims of Crime
 8 Act of 1984 (42 U.S.C. 10601(d)(3)(A)(i)) is amended by
 9 inserting after “section 3771” the following: “or section
 10 3772, as it relates to direct services,”.

11 **SEC. 3. SEXUAL ASSAULT SURVIVORS’ NOTIFICATION**
 12 **GRANTS.**

13 The Victims of Crime Act of 1984 is amended by
 14 adding after section 1404E (42 U.S.C. 10603e) the fol-
 15 lowing:

16 **“SEC. 1404F. SEXUAL ASSAULT SURVIVORS’ NOTIFICATION**
 17 **GRANTS.**

18 “(a) IN GENERAL.—The Attorney General may make
 19 grants as provided in section 1404(c)(1)(A) to States to
 20 develop and disseminate to entities described in subsection
 21 (c)(1) of this section written notice of applicable rights
 22 and policies for sexual assault survivors.

23 “(b) NOTIFICATION OF RIGHTS.—Each recipient of
 24 a grant awarded under subsection (a) shall make its best
 25 effort to ensure that each entity described in subsection

1 (c)(1) provides individuals who identify as a survivor of
2 a sexual assault, and who consent to receiving such infor-
3 mation, with written notice of applicable rights and poli-
4 cies regarding—

5 “(1) the right not to be charged fees for or oth-
6 erwise prevented from pursuing a sexual assault evi-
7 dence collection kit;

8 “(2) the right to have a sexual assault medical
9 forensic examination regardless of whether the sur-
10 vivor reports to or cooperates with law enforcement;

11 “(3) the availability of a sexual assault advo-
12 cate;

13 “(4) the availability of protective orders and
14 policies related to their enforcement;

15 “(5) policies regarding the storage, preserva-
16 tion, and disposal of sexual assault evidence collec-
17 tion kits;

18 “(6) the process, if any, to request preservation
19 of sexual assault evidence collection kits or the pro-
20 bative evidence from such kits; and

21 “(7) the availability of victim compensation and
22 restitution.

23 “(c) DISSEMINATION OF WRITTEN NOTICE.—Each
24 recipient of a grant awarded under subsection (a) shall—

1 “(1) provide the written notice described in sub-
2 section (b) to medical centers, hospitals, forensic ex-
3 aminers, sexual assault service providers, State and
4 local law enforcement agencies, and any other State
5 agency or department reasonably likely to serve sex-
6 ual assault survivors; and

7 “(2) make the written notice described in sub-
8 section (b) publicly available on the Internet website
9 of the attorney general of the State.

10 “(d) PROVISION TO PROMOTE COMPLIANCE.—The
11 Attorney General may provide such technical assistance
12 and guidance as necessary to help recipients meet the re-
13 quirements of this section.

14 “(e) INTEGRATION OF SYSTEMS.—Any system devel-
15 oped and implemented under this section may be inte-
16 grated with an existing case management system operated
17 by the recipient of the grant if the system meets the re-
18 quirements listed in this section.”.

19 **SEC. 4. WORKING GROUP.**

20 (a) IN GENERAL.—The Attorney General, in con-
21 sultation with the Secretary of Health and Human Serv-
22 ices (referred to in this section as the “Secretary”), shall
23 establish a joint working group (referred to in this section
24 as the “Working Group”) to develop, coordinate, and dis-
25 seminate best practices regarding the care and treatment

1 of sexual assault survivors and the preservation of forensic
2 evidence.

3 (b) CONSULTATION WITH STAKEHOLDERS.—The
4 Working Group shall consult with—

5 (1) stakeholders in law enforcement, prosecu-
6 tion, forensic laboratory, counseling, forensic exam-
7 iner, medical facility, and medical provider commu-
8 nities; and

9 (2) representatives of not less than 3 entities
10 with demonstrated expertise in sexual assault pre-
11 vention, sexual assault advocacy, or representation
12 of sexual assault victims, of which not less than 1
13 representative shall be a sexual assault victim.

14 (c) MEMBERSHIP.—The Working Group shall be
15 composed of governmental or nongovernmental agency
16 heads at the discretion of the Attorney General, in con-
17 sultation with the Secretary.

18 (d) DUTIES.—The Working Group shall—

19 (1) develop recommendations for improving the
20 coordination of the dissemination and implementa-
21 tion of best practices and protocols regarding the
22 care and treatment of sexual assault survivors and
23 the preservation of evidence to hospital administra-
24 tors, physicians, forensic examiners, and other med-

1 ical associations and leaders in the medical commu-
2 nity;

3 (2) encourage, where appropriate, the adoption
4 and implementation of best practices and protocols
5 regarding the care and treatment of sexual assault
6 survivors and the preservation of evidence among
7 hospital administrators, physicians, forensic exam-
8 iners, and other medical associations and leaders in
9 the medical community;

10 (3) develop recommendations to promote the co-
11 ordination of the dissemination and implementation
12 of best practices regarding the care and treatment of
13 sexual assault survivors and the preservation of evi-
14 dence to State attorneys general, United States at-
15 torneys, heads of State law enforcement agencies, fo-
16 rensic laboratory directors and managers, and other
17 leaders in the law enforcement community;

18 (4) develop and implement, where practicable,
19 incentives to encourage the adoption or implementa-
20 tion of best practices regarding the care and treat-
21 ment of sexual assault survivors and the preserva-
22 tion of evidence among State attorneys general,
23 United States attorneys, heads of State law enforce-
24 ment agencies, forensic laboratory directors and

1 managers, and other leaders in the law enforcement
2 community;

3 (5) collect feedback from stakeholders, practi-
4 tioners, and leadership throughout the Federal and
5 State law enforcement, victim services, forensic
6 science practitioner, and health care communities to
7 inform development of future best practices or clin-
8 ical guidelines regarding the care and treatment of
9 sexual assault survivors; and

10 (6) perform other activities, such as activities
11 relating to development, dissemination, outreach, en-
12 gagement, or training associated with advancing vic-
13 tim-centered care for sexual assault survivors.

14 (e) REPORT.—Not later than 2 years after the date
15 of enactment of this Act, the Working Group shall submit
16 to the Attorney General, the Secretary, and Congress a
17 report containing the findings and recommended actions
18 of the Working Group.

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