

114TH CONGRESS  
2D SESSION

# H. R. 5571

To amend title 18, United States Code, to provide sexual assault survivors with certain rights, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 22, 2016

Ms. WASSERMAN SCHULTZ (for herself and Mr. SMITH of Texas) 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

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## A BILL

To amend title 18, United States Code, to provide sexual assault survivors with certain rights, 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 “Sexual Assault Sur-  
5 vivors’ Rights Act”.

6 **SEC. 2. FINDING.**

7 Congress finds that there is a substantial Federal in-  
8 terest in encouraging more sexual assault survivors to

1 come forward and cooperate with law enforcement inves-  
 2 tigations and prosecutions.

3 **SEC. 3. SEXUAL ASSAULT SURVIVORS' RIGHTS.**

4 (a) IN GENERAL.—Title 18, United States Code, is  
 5 amended by adding after chapter 237 the following:

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

“Sec.

“3772. Sexual assault survivors' rights.

8 **“§ 3772. Sexual assault survivors' rights**

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

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

15 “(2) The right to—

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

21 “(B) be informed of any result of a sexual  
 22 assault evidence collection kit, including a DNA  
 23 profile match, toxicology report, or other infor-  
 24 mation collected as part of a medical forensic

1 examination, if such disclosure would not im-  
2 pede or compromise an ongoing investigation;  
3 and

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

7 “(3) The right to—

8 “(A) upon written request, receive written  
9 notification from the prosecutor not later than  
10 60 days before the date of the intended destruc-  
11 tion or disposal of the evidence collection kit or  
12 its probative contents; and

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

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

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

20 “(c) DEFINITION OF SEXUAL ASSAULT SURVIVOR.—  
21 For purposes of this section, the term ‘sexual assault sur-  
22 vivor’ includes a legal representative of a deceased victim  
23 of sexual assault acting on behalf of the victim.”.

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

“238. Sexual assault survivors’ rights ..... 3772”.

4 **SEC. 4. SERVICES TO SURVIVORS.**

5 Section 503(c)(1) of the Victims Rights and Restitu-  
 6 tion Act of 1990 (42 U.S.C. 10607(c)(1)) is amended—

7 (1) in subparagraph (A), by inserting “, includ-  
 8 ing sexual assault service providers” before the semi-  
 9 colon at the end;

10 (2) in subparagraph (C), by inserting “, includ-  
 11 ing sexual assault counseling” before the semicolon  
 12 at the end; and

13 (3) in subparagraph (D), by inserting “, includ-  
 14 ing national and local sexual assault hotlines” before  
 15 the period at the end.

16 **SEC. 5. SEXUAL ASSAULT SURVIVORS NOTIFICATION**  
 17 **GRANTS.**

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

21 **“SEC. 1404F. SEXUAL ASSAULT SURVIVORS NOTIFICATION**  
 22 **GRANTS.**

23 “(a) IN GENERAL.—The Attorney General may make  
 24 grants as provided in section 1404(e)(1)(A) to States to  
 25 develop and disseminate to entities described in subsection

1 (c)(1) written notice of applicable rights and policies for  
2 sexual assault survivors.

3 “(b) NOTIFICATION OF RIGHTS.—Each recipient of  
4 a grant awarded under subsection (a) shall make its best  
5 effort to ensure that each entity described in subsection  
6 (c)(1) provides individuals who identify as a survivor of  
7 a sexual assault, and who consent to receiving such infor-  
8 mation, with written notice of applicable rights and poli-  
9 cies regarding—

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

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

16 “(3) the availability of a sexual assault advo-  
17 cate;

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

20 “(5) policies regarding the storage, preserva-  
21 tion, and disposal of sexual assault evidence collec-  
22 tion kits;

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

1           “(7) the availability of victim compensation and  
2       restitution.

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

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

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

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

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

23          “(f) DEFINITION OF SEXUAL ASSAULT SURVIVOR.—  
24      For purposes of this section, the term ‘sexual assault sur-

1 vivor’ includes a legal representative of a deceased victim  
2 of sexual assault acting on behalf of the victim.”.

3 **SEC. 6. WORKING GROUP.**

4 (a) **IN GENERAL.**—The Attorney General and the  
5 Secretary of Health and Human Services (referred to in  
6 this section as the “Secretary”) shall establish a joint  
7 working group (referred to in this section as the “Working  
8 Group”) to develop, coordinate, and disseminate best prac-  
9 tices regarding the care and treatment of sexual assault  
10 survivors and the preservation of forensic evidence.

11 (b) **CONSULTATION WITH STAKEHOLDERS.**—The  
12 Working Group shall consult with—

13 (1) stakeholders in law enforcement, prosecu-  
14 tion, forensic laboratory, counseling, forensic exam-  
15 iner, medical facility, and medical provider commu-  
16 nities; and

17 (2) representatives from not less than 3 na-  
18 tional organizations and State coalitions with dem-  
19 onstrated expertise in sexual assault prevention, sex-  
20 ual assault advocacy, or representation of sexual as-  
21 sault victims, particularly representatives of under-  
22 served or ethnic minority communities.

23 (c) **MEMBERSHIP.**—The Working Group shall be  
24 composed of the following members:

1           (1) The Administrator of the Health Resources  
2           and Services Administration.

3           (2) The Administrator of the Centers for Medi-  
4           care and Medicaid Services.

5           (3) The Director of the Centers for Disease  
6           Control and Prevention.

7           (4) The Director of the Indian Health Service.

8           (5) The Director of the Office for Victims of  
9           Crime.

10          (6) The Assistant Attorney General for the Of-  
11          fice of Justice Programs.

12          (7) The Director of the Office on Violence  
13          Against Women.

14          (8) Other governmental or nongovernmental  
15          agency heads at the discretion of the Attorney Gen-  
16          eral or the Secretary.

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

18               (1) improve the coordination of the dissemina-  
19               tion and implementation of best practices and proto-  
20               cols regarding the care and treatment of sexual as-  
21               sault survivors and the preservation of evidence to  
22               hospital administrators, physicians, forensic exam-  
23               iners, and other medical associations and leaders in  
24               the medical community;



1           (2) develop and implement, where appropriate,  
2           clinical guidelines and other incentives to encourage  
3           the adoption and implementation of best practices  
4           and protocols regarding the care and treatment of  
5           sexual assault survivors and the preservation of evi-  
6           dence among hospital administrators, physicians, fo-  
7           rensic examiners, and other medical associations and  
8           leaders in the medical community;

9           (3) improve the coordination of the dissemina-  
10          tion and implementation of best practices regarding  
11          the care and treatment of sexual assault survivors  
12          and the preservation of evidence to State attorneys  
13          general, United States attorneys, heads of State law  
14          enforcement agencies, forensic laboratory directors  
15          and managers, and other leaders in the law enforce-  
16          ment community;

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

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

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

12          (e) INITIAL OPERATING PLAN.—Not later than 120  
13          days after its first meeting, the Working Group shall sub-  
14          mit to the Attorney General, the Secretary, and Congress  
15          an operating plan for carrying out the activities of the  
16          Working Group.

17          (f) MEETINGS.—The Working Group shall—

18                (1) hold its first meeting not later than 90 days  
19                after the date of enactment of this Act; and

20                (2) meet not fewer than 2 times and not more  
21                than 5 times each year.

22          (g) REPORT.—Not later than 2 years after the date  
23          of enactment of this Act, the Working Group shall submit  
24          to the Attorney General, the Secretary, and Congress a

1 report containing the findings and recommended actions  
2 of the Working Group.

3 (h) SEXUAL ASSAULT SURVIVOR DEFINED.—In this  
4 section, the term “sexual assault survivor” includes a legal  
5 representative of a deceased victim of sexual assault acting  
6 on behalf of the victim.

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