

114TH CONGRESS
2D SESSION

H. R. 5578

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 7, 2016

Received; read twice and referred to the Committee on the Judiciary

AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

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

4 **SEC. 2. SEXUAL ASSAULT SURVIVORS’ RIGHTS.**

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

8 **“CHAPTER 238—SEXUAL ASSAULT**
9 **SURVIVORS’ RIGHTS**

“Sec.

“3772. Sexual assault survivors’ rights.

10 **“§ 3772. Sexual assault survivors’ rights**

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

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

17 “(2) The right to—

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

23 “(B) be informed of any result of a sexual
24 assault evidence collection kit, including a DNA

1 profile match, toxicology report, or other infor-
2 mation collected as part of a medical forensic
3 examination, if such disclosure would not im-
4 pede or compromise an ongoing investigation;
5 and

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

9 “(3) The right to—

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

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

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

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

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

1 “(d) FUNDING.—This section, other than paragraphs
 2 (2)(A) and (3)(B) of subsection (a), shall be carried out
 3 using funds made available under section 1402(d)(3)(A)(i)
 4 of the Victims of Crime Act of 1984 (42 U.S.C.
 5 10601(d)(3)(A)(i)). No additional funds are authorized to
 6 be appropriated to carry out this section.”.

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

“238. Sexual assault survivors’ rights 3772”.

10 (c) AMENDMENT TO VICTIMS OF CRIME ACT OF
 11 1984.—Section 1402(d)(3)(A)(i) of the Victims of Crime
 12 Act of 1984 (42 U.S.C. 10601(d)(3)(A)(i)) is amended by
 13 inserting after “section 3771” the following: “or section
 14 3772, as it relates to direct services,”.

15 **SEC. 3. SEXUAL ASSAULT SURVIVORS’ NOTIFICATION**
 16 **GRANTS.**

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

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

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

1 (c)(1) of this section written notice of applicable rights
2 and policies for 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 **SEC. 4. WORKING GROUP.**

24 “(a) IN GENERAL.—The Attorney General, in con-
25 sultation with the Secretary of Health and Human Serv-

1 ices (referred to in this section as the “Secretary”), shall
2 establish a joint working group (referred to in this section
3 as the “Working Group”) to develop, coordinate, and dis-
4 seminate best practices regarding the care and treatment
5 of sexual assault survivors and the preservation of forensic
6 evidence.

7 (b) CONSULTATION WITH STAKEHOLDERS.—The
8 Working Group shall consult with—

9 (1) stakeholders in law enforcement, prosecu-
10 tion, forensic laboratory, counseling, forensic exam-
11 iner, medical facility, and medical provider commu-
12 nities; and

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

18 (c) MEMBERSHIP.—The Working Group shall be
19 composed of governmental or nongovernmental agency
20 heads at the discretion of the Attorney General, in con-
21 sultation with the Secretary.

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

23 (1) develop recommendations for improving the
24 coordination of the dissemination and implementa-
25 tion of best practices and protocols regarding the

1 care and treatment of sexual assault survivors and
2 the preservation of evidence to hospital administra-
3 tors, physicians, forensic examiners, and other med-
4 ical associations and leaders in the medical commu-
5 nity;

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

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

21 (4) develop and implement, where practicable,
22 incentives to encourage the adoption or implementa-
23 tion of best practices regarding the care and treat-
24 ment of sexual assault survivors and the preserva-
25 tion of evidence among State attorneys general,

1 United States attorneys, heads of State law enforce-
2 ment agencies, forensic laboratory directors and
3 managers, and other leaders in the law enforcement
4 community;

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

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

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

Passed the House of Representatives September 6,
2016.

Attest:

KAREN L. HAAS,

Clerk.