

HOUSE BILL NO. 1518

Introduced by

Representatives Richter, Brandenburg, Ista, Meier, Roers Jones, Rohr, Steiner, Weisz

Senators Davison, Kannianen, Myrdal

1 A BILL for an Act to create and enact a new section to chapter 12.1-34 of the North Dakota
2 Century Code, relating to rights of a sexual assault survivor.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1.** A new section to chapter 12.1-34 of the North Dakota Century Code is created
5 and enacted as follows:

6 **Sexual assault survivor rights.**

7 1. As used in this section:

8 a. "Sexual assault counselor" has the same meaning as "counselor" as defined in
9 section 43-47-01. The term includes a victim advocate.

10 b. "Sexual assault survivor" means an individual who is a victim of a crime defined
11 under chapter 12.1-20 and, if the survivor is incompetent, deceased, or a minor
12 who is unable to consent to counseling services, the parent, guardian, spouse, or
13 any other individual related to the survivor by consanguinity or affinity to the
14 second degree, or any other lawful representative of the survivor, unless the
15 individual is the alleged assailant.

16 2. In addition to the rights provided under section 12.1-34-02, a sexual assault survivor
17 must be afforded the following rights where applicable:

18 a. Preservation of evidence. A prosecuting attorney, law enforcement authority,
19 criminal laboratory, or evidentiary storage facility may not destroy or dispose of
20 any evidence to a criminal offense before the limitation period for prosecution for
21 the offense has ended or the offense has been adjudicated.

22 b. Services available. To be informed by the prosecuting attorney and arresting law
23 enforcement agency of all appropriate and available public or private programs
24 that provide sexual assault counseling, treatment, or support for sexual assault

1 survivors, including rape crisis centers, assistance programs, victim assistance
2 hotlines, and social service agencies.

3 c. Notice. To be informed by the prosecuting attorney of their rights provided under
4 this chapter.

5 d. Acute forensic medical examination. When an acute forensic medical
6 examination is performed, the costs incurred by a health care facility or health
7 care professional for performing the acute forensic medical examination or any
8 preliminary medical screening examination may not be charged, either directly or
9 through a third-party payer, to the alleged sexual assault survivor.

10 (1) If the sexual assault survivor is a child, the costs incurred by a health care
11 facility or health care professional for performing the child forensic medical
12 examination or any preliminary medical screening examination may not be
13 charged, either directly or through a third-party payer, to the alleged child
14 sexual assault survivor or the child's parent, guardian, or custodian.

15 (2) Upon submission of appropriate documentation, the attorney general, within
16 the limits of legislative appropriations, shall reimburse the health care facility
17 or a health care professional for the reasonable costs incurred in performing
18 the medical screening and acute forensic medical examination.

19 e. Access to report and record. Upon request of the sexual assault survivor over the
20 age of eighteen, the prosecuting attorney, law enforcement authority, or health
21 care facility shall provide the survivor with a copy of the law enforcement report
22 corresponding with the victim's case number and the survivor's acute forensic
23 medical examination record.

24 f. Counsel. To have an attorney or sexual assault counselor present when speaking
25 with law enforcement about the assault.