

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 742 Session of 2017

INTRODUCED BY GREENLEAF, SABATINA, YUDICHAK, RAFFERTY, COSTA, FONTANA, HUGHES, BOSCOLA, BARTOLOTTA, BROWNE, BREWSTER AND LEACH, JUNE 5, 2017

SENATOR GREENLEAF, JUDICIARY, AS AMENDED, SEPTEMBER 19, 2017

AN ACT

1 Amending the act of November 29, 2006 (P.L.1471, No.165),
2 entitled, as amended, "An act providing for a sexual assault
3 evidence collection program and for powers and duties of the
4 Department of Health and the Pennsylvania State Police;
5 establishing civil immunity; and providing for rights of
6 sexual assault victims," further providing for rights of
7 sexual assault victims.

8 The General Assembly of the Commonwealth of Pennsylvania
9 hereby enacts as follows:

10 Section 1. Section 5(c) of the act of November 29, 2006
11 (P.L.1471, No.165), known as the Sexual Assault Testing and
12 Evidence Collection Act, added July 10, 2015 (P.L.142, No.27),
13 is amended and subsection (a) is amended by adding paragraphs to
14 read:

15 Section 5. Rights of sexual assault victims.

16 (a) General rule.--In addition to the rights provided under
17 the act of November 24, 1998 (P.L.882, No.111), known as the
18 Crime Victims Act, a sexual assault victim, guardian of a sexual
19 assault victim or close relative of a deceased sexual assault
20 victim shall have all of the following rights, if requested by

1 the victim, guardian or relative:

2 * * *

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

5 (5) The right to:

6 (i) subject to paragraph (6) AND SECTION 3(C)(1), <--
7 have a sexual assault evidence collection kit or its
8 probative contents relating to the victim preserved,
9 without charge, for the duration of the maximum
10 applicable statute of limitations; and

11 (ii) be informed in writing of policies governing
12 the collection and preservation of a sexual assault
13 evidence collection kit.

14 (6) The right to: <--

15 ~~(i)~~, upon written request, receive written <--
16 notification from the appropriate official with custody
17 of a sexual assault evidence collection kit or its
18 probative contents relating to the victim not later than
19 60 days before the date of the intended destruction or
20 disposal of the sexual assault evidence collection kit or
21 its probative contents.

22 ~~(ii) upon written request, be granted further~~ <--
23 ~~preservation of the sexual assault evidence collection~~
24 ~~kit or its probative contents.~~ THE APPROPRIATE OFFICIAL <--
25 WITH CUSTODY OF THE SEXUAL ASSAULT EVIDENCE COLLECTION
26 KIT SHALL COLLABORATE WITH A SEXUAL ASSAULT COUNSELOR TO
27 EMPLOY BEST PRACTICES WHEN NOTIFYING A VICTIM OF
28 INFORMATION PERTINENT TO THE VICTIM.

29 (7) The right to consult with a sexual assault
30 counselor.

1 (8) The right to information concerning availability of
2 protective orders and policies related to the enforcement of
3 protective orders.

4 (9) The right to information about the availability of,
5 and eligibility for, victim compensation and restitution.

6 (10) The right to be informed of the rights under this
7 subsection. THE ATTORNEY GENERAL SHALL, IN CONSULTATION WITH <--
8 THE OFFICE OF VICTIM ADVOCATE, THE PENNSYLVANIA STATE POLICE
9 AND PCAR, DEVELOP A STANDARD PROTOCOL FOR NOTIFYING SEXUAL
10 ASSAULT VICTIMS OF INFORMATION RELATING TO EVIDENCE GATHERED
11 REGARDING THE VICTIM. THE OFFICE OF VICTIM ADVOCATE SHALL
12 DISSEMINATE THE STANDARD PROTOCOL DEVELOPED UNDER THIS
13 PARAGRAPH TO LAW ENFORCEMENT AGENCIES, RAPE CRISIS CENTERS,
14 SEXUAL ASSAULT COUNSELORS AND HEALTH CARE FACILITIES THAT THE
15 OFFICE OF VICTIM ADVOCATE DETERMINES ARE LIKELY TO ENCOUNTER
16 SEXUAL ASSAULT VICTIMS. THE ATTORNEY GENERAL, PENNSYLVANIA
17 STATE POLICE AND OFFICE OF VICTIM ADVOCATE SHALL MAKE THE
18 STANDARD PROTOCOL AVAILABLE ON A PUBLICLY ACCESSIBLE INTERNET
19 WEBSITE.

20 * * *

21 (c) [Definition.--As used in this section, the term "close]
22 Definitions.--As used in this section, the following words and
23 phrases shall have the meanings given to them in this subsection
24 unless the context clearly indicates otherwise:

25 "Close relative of a deceased sexual assault [victim" means
26 an] victim." An individual who:

27 (1) was the spouse of a deceased sexual assault victim
28 at the time of the victim's death; or

29 (2) is a parent, LEGAL GUARDIAN or adult brother, sister <--
30 or child of a deceased sexual assault victim.

1 "Sexual assault counselor." As defined in 42 Pa.C.S. §
2 5945.1 (relating to confidential communications with sexual
3 assault counselors).

4 Section 2. This act shall take effect in 60 days.