

PUBLIC LAW 114-236—OCT. 7, 2016

SURVIVORS' BILL OF RIGHTS ACT OF 2016

Public Law 114–236
114th Congress

An Act

Oct. 7, 2016
[H.R. 5578]

Survivors' Bill of
Rights Act of
2016.
18 USC 1 note.

18 USC
3772 prec.

18 USC 3772.

Time period.

Notification.
Deadline.

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

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

SEC. 2. SEXUAL ASSAULT SURVIVORS’ RIGHTS.

(a) IN GENERAL.—Part II of title 18, United States Code, is amended by adding after chapter 237 the following:

“CHAPTER 238—SEXUAL ASSAULT SURVIVORS’ RIGHTS

“Sec.

“3772. Sexual assault survivors’ rights.

“§ 3772. Sexual assault survivors’ rights

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

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

“(2) The right to—

“(A) subject to paragraph (3), have a sexual assault evidence collection kit or its probative contents preserved, without charge, for the duration of the maximum applicable statute of limitations or 20 years, whichever is shorter;

“(B) be informed of any result of a sexual assault evidence collection kit, including a DNA profile match, toxicology report, or other information collected as part of a medical forensic examination, if such disclosure would not impede or compromise an ongoing investigation; and

“(C) be informed in writing of policies governing the collection and preservation of a sexual assault evidence collection kit.

“(3) The right to—

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

“(B) upon written request, be granted further preservation of the kit or its probative contents.

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

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

“(c) DEFINITION OF SEXUAL ASSAULT.—In this section, the term ‘sexual assault’ means any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks capacity to consent.

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

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

18 USC
3001 prec.

“238. Sexual assault survivors’ rights 3772”.

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

SEC. 3. SEXUAL ASSAULT SURVIVORS’ NOTIFICATION GRANTS.

The Victims of Crime Act of 1984 is amended by adding after section 1404E (42 U.S.C. 10603e) the following:

“SEC. 1404F. SEXUAL ASSAULT SURVIVORS’ NOTIFICATION GRANTS.

42 USC 10603f.

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

“(b) NOTIFICATION OF RIGHTS.—Each recipient of a grant awarded under subsection (a) shall make its best effort to ensure that each entity described in subsection (c)(1) provides individuals who identify as a survivor of a sexual assault, and who consent to receiving such information, with written notice of applicable rights and policies regarding—

“(1) the right not to be charged fees for or otherwise prevented from pursuing a sexual assault evidence collection kit;

“(2) the right to have a sexual assault medical forensic examination regardless of whether the survivor reports to or cooperates with law enforcement;

“(3) the availability of a sexual assault advocate;

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

“(5) policies regarding the storage, preservation, and disposal of sexual assault evidence collection kits;

“(6) the process, if any, to request preservation of sexual assault evidence collection kits or the probative evidence from such kits; and

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

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

“(1) provide the written notice described in subsection (b) to medical centers, hospitals, forensic examiners, sexual assault service providers, State and local law enforcement agencies,

and any other State agency or department reasonably likely to serve sexual assault survivors; and

Public information. Web posting.

“(2) make the written notice described in subsection (b) publicly available on the Internet website of the attorney general of the State.

“(d) PROVISION TO PROMOTE COMPLIANCE.—The Attorney General may provide such technical assistance and guidance as necessary to help recipients meet the requirements of this section.

“(e) INTEGRATION OF SYSTEMS.—Any system developed and implemented under this section may be integrated with an existing case management system operated by the recipient of the grant if the system meets the requirements listed in this section.”.

Establishment.

SEC. 4. WORKING GROUP.

Consultation. 42 USC 14043g-1.

(a) IN GENERAL.—The Attorney General, in consultation with the Secretary of Health and Human Services (referred to in this section as the “Secretary”), shall establish a joint working group (referred to in this section as the “Working Group”) to develop, coordinate, and disseminate best practices regarding the care and treatment of sexual assault survivors and the preservation of forensic evidence.

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

(1) stakeholders in law enforcement, prosecution, forensic laboratory, counseling, forensic examiner, medical facility, and medical provider communities; and

(2) representatives of not less than 3 entities with demonstrated expertise in sexual assault prevention, sexual assault advocacy, or representation of sexual assault victims, of which not less than 1 representative shall be a sexual assault victim.

(c) MEMBERSHIP.—The Working Group shall be composed of governmental or nongovernmental agency heads at the discretion of the Attorney General, in consultation with the Secretary.

(d) DUTIES.—The Working Group shall—

Recommendations.

(1) develop recommendations for improving the coordination of the dissemination and implementation of best practices and protocols regarding the care and treatment of sexual assault survivors and the preservation of evidence to hospital administrators, physicians, forensic examiners, and other medical associations and leaders in the medical community;

(2) encourage, where appropriate, the adoption and implementation of best practices and protocols regarding the care and treatment of sexual assault survivors and the preservation of evidence among hospital administrators, physicians, forensic examiners, and other medical associations and leaders in the medical community;

Recommendations.

(3) develop recommendations to promote the coordination of the dissemination and implementation of best practices regarding the care and treatment of sexual assault survivors and the preservation of evidence to State attorneys general, United States attorneys, heads of State law enforcement agencies, forensic laboratory directors and managers, and other leaders in the law enforcement community;

(4) develop and implement, where practicable, incentives to encourage the adoption or implementation of best practices regarding the care and treatment of sexual assault survivors and the preservation of evidence among State attorneys general,

United States attorneys, heads of State law enforcement agencies, forensic laboratory directors and managers, and other leaders in the law enforcement community;

(5) collect feedback from stakeholders, practitioners, and leadership throughout the Federal and State law enforcement, victim services, forensic science practitioner, and health care communities to inform development of future best practices or clinical guidelines regarding the care and treatment of sexual assault survivors; and

(6) perform other activities, such as activities relating to development, dissemination, outreach, engagement, or training associated with advancing victim-centered care for sexual assault survivors.

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

Approved October 7, 2016.

LEGISLATIVE HISTORY—H.R. 5578:

HOUSE REPORTS: No. 114–707, Pt. 1 (Comm. on the Judiciary).

CONGRESSIONAL RECORD, Vol. 162 (2016):

Sept. 6, considered and passed House.

Sept. 28, considered and passed Senate.

