

AB 176 Sexual Assault Bill of Rights	AB 124
<p>The document must include, without limitation:</p> <p>(a) A clear statement that the survivor is not required to participate in the criminal justice system or to receive a forensic medical examination in order to retain the rights provided by the Sexual Assault Survivors' Bill of Rights and other relevant law;</p> <p>(b) Means of contacting, by telephone or Internet, nearby sexual assault victims' advocates and centers for support for victims of sexual assault;</p> <p>(c) Information about the availability of temporary and extended orders of protection pursuant to NRS 200.378;</p> <p>(d) Instructions for requesting the results of the genetic marker analysis of the sexual assault forensic evidence kit of the survivor;</p> <p>(e) Information concerning state and federal funds for compensation for medical and other costs associated with the sexual assault; and</p> <p>(f) Information concerning any municipal, state or federal right to restitution for survivors in the event of a criminal trial.</p>	<p>Develop a document to be provided to victims of sexual assault and attempted sexual assault, which must consist of medically and factually accurate written information concerning:</p> <p>(1) Emergency contraception and prophylactic antibiotics, including, without limitation, possible side effects of using those medications and the locations of facilities or pharmacies where those medications are available;</p> <p>(2) Contact information for law enforcement agencies in this State; and</p> <p>(3) Other services available to victims of sexual assault and attempted sexual assault in all regions of this State, including, without limitation, counseling, a list of clinics and other facilities that specialize in serving victims of sexual assault and a list of locations that provide testing for sexually transmitted diseases. Such information must be organized in a manner that allows a victim to easily identify the services available in his or her region of the State.</p> <p>(b) Update the document as necessary.</p> <p>2. The Division shall:</p> <p>(a) Distribute copies of the document developed to each hospital and independent center for emergency medical care located in this State; and</p> <p>(b) Post the document on an Internet website maintained by the Division.</p> <p>3. Each hospital or independent center for emergency medical care shall ensure that each victim of sexual assault or attempted sexual assault who is treated by the hospital or independent center for emergency medical care is provided with:</p> <p>(a) A copy of the document; and</p> <p>(b) An oral explanation of the information contained in the document.</p>
<p>The RIGHTS provided to a survivor pursuant to the Sexual Assault Survivors' Bill of Rights attach whenever the survivor is subject to:</p> <p>(a) A forensic medical examination; or</p> <p>(b) An interview by a law enforcement official or prosecutor.</p>	

RIGHTS

1. A survivor **has the right** to consult with a sexual assault victims' advocate during:
 - (a) Any forensic medical examination; and
 - (b) Any interview by a law enforcement official or prosecutor.
2. **Except as otherwise provided in subsection 3**, a survivor **has the right** to designate an attendant to provide support during:
 - (a) Any forensic medical examination; and
 - (b) Any interview by a law enforcement official or prosecutor.
3. **If a law enforcement official or prosecutor conducts an interview of a survivor who is a minor, the law enforcement official or prosecutor may exclude the attendant from the interview if the law enforcement official or prosecutor:**
 - (a) **Has successfully completed specialized training in interviewing survivors who are minors that meets the standards of the National Children's Alliance or its successor organization or another national organization that provides specialized training in interviewing survivors who are minors; and**
 - (b) **Determines, in his or her good faith, that the presence of the attendant would be detrimental to the purpose of the interview.**
4. After the forensic medical examination, the survivor **has the right** to use a shower apparatus at no cost, unless a facility which includes a shower apparatus is not available.
5. A survivor **has the right** to designate an attendant to provide support of his or her choosing during any interview by a law enforcement official or prosecutor, unless the law enforcement official or prosecutor determines, in his or her good faith, that the presence of the attendant would be detrimental to the purpose of the interview.
6. A survivor **has the right** to be interviewed by a law enforcement official of the gender of the choosing of the survivor. If no law enforcement official of that gender is available in a reasonably timely manner, the survivor may be interviewed by an available

law enforcement official of a different gender only upon the consent of the survivor.

7. A survivor **has the right** to prompt genetic marker analysis of a sexual assault forensic evidence kit pursuant to NRS 200.3786.

8. A sexual assault forensic evidence kit must be transported to a forensic laboratory and analyzed pursuant to NRS 200.3786, unless the **survivor requests, in writing** at any time prior to such analysis, for the forensic laboratory to defer analysis of the sexual assault forensic evidence kit.

9. If a survivor has requested to defer analysis pursuant to subsection 2, the survivor may request that the forensic laboratory analyze the sexual assault forensic evidence kit at any later date before the expiration of the retention period (**kits associated with an uncharged or unsolved sexual assault, at least 50 years, kits associated with an unreported or anonymous sexual assault, at least 20 years**).

10. A survivor **has the right** to the information regarding the timeline of the genetic marker analysis of sexual assault forensic evidence kits pursuant to NRS 200.3786.

11. Upon the request of a survivor, he or she **has the right** to be informed of:

- a. The results of the genetic marker analysis of the sexual assault forensic evidence kit of the survivor;
- b. Whether the analysis yielded a DNA profile; and
- c. Whether the analysis yielded the DNA profile of the defendant or person accused or convicted of a crime against the survivor or a person already in CODIS.

12. Except as otherwise provided in this subsection, a law enforcement agency shall, **upon written request by the survivor**, furnish within 1 month, free, complete and unaltered copies of all reports of the law enforcement agency concerning the sexual assault, regardless of whether the report has

been closed by the law enforcement agency. A law enforcement agency may, as appropriate, redact personal identifying information from any reports provided pursuant to this subsection. As used in this section, “personal identifying information” has the meaning ascribed to it in NRS 205.4617.

13. A prosecutor shall, **upon written request of a survivor**, provide certain information to the survivor pursuant to NRS 200.3784.

14. In addition to any other right provided by law, a survivor **has the right:**

(a) In any civil or criminal case related to a sexual assault, to be reasonably protected from the defendant and persons acting on behalf of the defendant.

(b) To be free from intimidation, harassment and abuse.

(c) To be treated with fairness and respect for his or her privacy and dignity.

(d) To be heard through a victim impact statement at any proceeding involving any plea, sentencing, post-conviction decision or any other proceeding where the rights of the survivor are at issue.

15. A survivor **must not be required** to submit to an examination by polygraph as a prerequisite to filing an accusatory pleading or participating in any part of the criminal justice system.

16. A court **shall make** reasonable efforts to provide the survivor and the family, friends and witnesses of the survivor with a secure waiting area or room that is separate from:

(a) The waiting area of the defendant and the family, friends, witnesses and attorneys of the defendant; and

(b) The office of the prosecutor, if applicable.

1. A survivor **retains** the rights even if the survivor has waived such rights during a previous examination or interview.

2. Except with the consent of the survivor, the fact that the survivor waived the right to consult with a sexual assault victims’ advocate is not admissible into evidence for any purpose.

3. A survivor retains the right to have counsel present during any forensic medical examination, interview, investigation or other interaction with any representative of the legal or criminal justice system within this State.

4. A survivor retains the rights provided by the Sexual Assault Survivors' Bill of Rights at all times, regardless of whether the survivor:

- (a) Agrees to participate in the legal or criminal justice system;
- (b) Agrees to speak to a law enforcement official or prosecutor; or
- (c) Consents to a forensic medical examination.