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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 742 Session of  
2017

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INTRODUCED BY GREENLEAF, SABATINA, YUDICHAK, RAFFERTY, COSTA,  
FONTANA AND HUGHES, JUNE 5, 2017

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REFERRED TO JUDICIARY, JUNE 5, 2017

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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), have a sexual assault  
7 evidence collection kit or its probative contents  
8 relating to the victim preserved, without charge, for the  
9 duration of the maximum applicable statute of  
10 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.

25 (7) The right to consult with a sexual assault  
26 counselor.

27 (8) The right to information concerning availability of  
28 protective orders and policies related to the enforcement of  
29 protective orders.

30 (9) The right to information about the availability of,

1 and eligibility for, victim compensation and restitution.

2 (10) The right to be informed of the rights under this  
3 subsection.

4 \* \* \*

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

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

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

13 (2) is a parent or adult brother, sister or child of a  
14 deceased sexual assault victim.

15 "Sexual assault counselor." As defined in 42 Pa.C.S. §  
16 5945.1 (relating to confidential communications with sexual  
17 assault counselors).

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