

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 399 Session of 2019

INTRODUCED BY LANGERHOLC, FOLMER, MARTIN, BARTOLOTTA, DiSANTO,
 FONTANA, PHILLIPS-HILL, KILLION, GORDNER, BREWSTER, STEFANO,
 SANTARSIERO, SABATINA, J. WARD, SCHWANK, YUDICHAK,
 TARTAGLIONE, KEARNEY, FARNESE, BROWNE AND MUTH,
 MARCH 11, 2019

REFERRED TO JUDICIARY, MARCH 11, 2019

AN ACT

1 Amending the act of November 29, 2006 (P.L.1471, No.165),
 2 entitled, "An act providing for a sexual assault evidence
 3 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, is amended, subsection (a) is amended
 13 by adding paragraphs and the section is amended by adding a
 14 subsection to 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

1 victim shall have all of the following rights, if requested by
2 the victim, guardian or relative:

3 * * *

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

6 (5) The right to:

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

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

15 (6) The right to, upon written request, receive written
16 notification from the appropriate official with custody of a
17 sexual assault evidence collection kit or its probative
18 contents relating to the victim not later than 60 days before
19 the date of the intended destruction or disposal of the
20 sexual assault evidence collection kit or its probative
21 contents. The appropriate official with custody of the sexual
22 assault evidence collection kit shall collaborate with a
23 sexual assault counselor to employ best practices when
24 notifying a victim of information pertinent to the victim.

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. The Attorney General shall, in consultation with
4 the Office of Victim Advocate, the Pennsylvania State Police
5 and PCAR, develop a standard protocol for notifying sexual
6 assault victims of information relating to evidence gathered
7 regarding the victim. The Office of Victim Advocate shall
8 disseminate the standard protocol developed under this
9 paragraph to law enforcement agencies, rape crisis centers,
10 sexual assault counselors and health care facilities that the
11 Office of Victim Advocate determines are likely to encounter
12 sexual assault victims. The Attorney General, Pennsylvania
13 State Police and Office of Victim Advocate shall make the
14 standard protocol available on a publicly accessible Internet
15 website.

16 * * *

17 (b.1) Anonymous reporters.--

18 (1) A victim who has chosen to make an anonymous report
19 may still elect to receive notification under this section.

20 (2) The form for consent for anonymous testing shall
21 include a provision for submission of contact information for
22 a victim requesting notification.

23 (3) The contact information provided for the purposes of
24 notification shall not be used for any other purpose,
25 including contacting the victim for investigative purposes.

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

30 "Close relative of a deceased sexual assault [victim" means

1 an] victim." An individual who:

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

4 (2) is a parent, legal guardian or adult brother, sister
5 or child of a deceased sexual assault victim.

6 "Sexual assault counselor." As defined in 42 Pa.C.S. §
7 5945.1 (relating to confidential communications with sexual
8 assault counselors).

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