

Sixty-ninth
Legislative Assembly
of North Dakota

**PROPOSED AMENDMENTS TO
FIRST ENGROSSMENT**

ENGROSSED SENATE BILL NO. 2387

Introduced by

Senators Van Oosting, Myrdal, Paulson

Representatives Hoverson, Richter, O'Brien

- 1 A BILL for an Act to create and enact a new section to chapter 12.1-34 of the North Dakota
2 Century Code, relating to the rights of sexual violence survivors.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

- 4 **SECTION 1.** A new section to chapter 12.1-34 of the North Dakota Century Code is created
5 and enacted as follows:

6 **Sexual violence survivor rights.**

7 1. As used in this section:

8 a. "Sexual assault victim advocate" means a victim advocate of a domestic violence
9 sexual assault organization as defined under section 14-07.1-01, ~~or~~ a victim
10 advocate from a children's advocacy center as defined in 50-25.1-02, ~~or a victim~~
11 advocate from an organization providing services to victims of sexual trafficking
12 or other sexual violence.

13 b. "Sexual violence survivor" means an individual who is a victim of a crime defined
14 under section 12.1-20-03, 12.1-20-03.1, 12.1-20-04, 12.1-20-05, 12.1-20-05.1,
15 12.1-20-06, 12.1-20-06.1, 12.1-20-07, 12.1-20-11, ~~or~~ 12.1-20-12.3, 12.1-41-02,
16 12.1-41-03, or 12.1-41-04.

17 2. In addition to the rights provided under section 12.1-34-02, a sexual violence survivor
18 must be afforded the following rights.

- 1 a. The right to consult with a sexual assault victim advocate during any forensic
2 medical examination, unless the advocate is not available in a timely manner. A
3 survivor's:
4 (1) Communication with a sexual assault victim advocate is privileged, unless
5 waived by the survivor; and
6 (2) Waiver of the right to a sexual assault victim advocate is privileged.
7 b. The right to the presence of privately retained counsel when speaking with law
8 enforcement regarding the alleged assault, unless law enforcement is conducting
9 a forensic interview with an alleged child victim.
10 c. ~~The~~Except as provided by law, the right to access the law enforcement report
11 prepared for the survivor's case - unless:
12 ~~(1) — The survivor is a minor; or~~
13 ~~(2) — Providing access would hinder the investigation at no cost.~~
14 d. The right to a document prepared by the attorney general explaining the rights of
15 sexual violence survivors under this section and other relevant law. ~~The rights~~
16 document, which must be provided by a medical provider or law enforcement
17 officer upon initial contact with the survivor.