

February 4, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

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 ~~an employee~~ a victim advocate of a
9 domestic violence sexual assault organization as defined under section
10 14-07.1-01, or a victim advocate from a children's advocacy center as defined in
11 50-25.1-02.
- 12 b. "Sexual violence survivor" means an individual who is a victim of a crime defined
13 under section 12.1-20-03, 12.1-20-03.1, 12.1-20-04, 12.1-20-05, 12.1-20-05.1,
14 12.1-20-06, 12.1-20-06.1, 12.1-20-07, 12.1-20-11, or 12.1-20-12.3 ~~and, if the~~
15 survivor is incompetent or deceased, the parent, guardian, spouse, or any other
16 individual related to the victim by affinity to the second degree, or any other lawful
17 representative of the victim. The term does not include an alleged assailant.
- 18 2. In addition to the rights provided under section 12.1-34-02, a sexual violence survivor
19 must be afforded the following rights.

- 1 a. The right to consult with a sexual assault victim advocate during any forensic
2 medical, ~~evidentiary, or physical~~ examination, unless the advocate is not
3 available in a timely manner. A 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:
9 ~~(1) Counsel is not available in a timely manner; or~~
10 ~~(2) Law law enforcement is conducting a forensic interview with an alleged child~~
11 victim.
12 c. The right to access the law enforcement report prepared for the survivor's case,
13 unless:
14 (1) The survivor is a minor; or
15 (2) Providing access would hinder the investigation.
16 d. The right to a document prepared by the attorney general explaining the rights of
17 domesticsexual violence survivors under this section and other relevant law. The
18 rights document must be provided by a medical provider or law enforcement
19 officer upon initial contact with the survivor. ~~The document must include:~~
20 ~~(1) Notice that a survivor is not required to participate in a criminal investigation,~~
21 ~~or in a medical, evidentiary, or physical examination to retain rights;~~
22 ~~(2) Information on how to obtain results of a medical, evidentiary, or physical~~
23 ~~examination;~~
24 ~~(3) Contact information on rape crisis centers, victim advocates, and other~~
25 ~~resources; and~~
26 ~~(4) Information on forms of protection available to survivors, including, civil and~~
27 ~~criminal protection orders.~~