

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.

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

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

16 a. The right to consult with a sexual assault victim advocate during any forensic
17 medical examination, unless the advocate is not available in a timely manner. A
18 survivor's:

19 (1) Communication with a sexual assault victim advocate is privileged, unless
20 waived by the survivor; and

21 (2) Waiver of the right to a sexual assault victim advocate is privileged.

- 1 b. The right to the presence of privately retained counsel when speaking with law
2 enforcement regarding the alleged assault, unless law enforcement is conducting
3 a forensic interview with an alleged child victim.
- 4 c. The right to access the law enforcement report prepared for the survivor's case,
5 unless:
6 (1) The survivor is a minor; or
7 (2) Providing access would hinder the investigation.
- 8 d. The right to a document prepared by the attorney general explaining the rights of
9 sexual violence survivors under this section and other relevant law. The rights
10 document must be provided by a medical provider or law enforcement officer
11 upon initial contact with the survivor.