

Sixty-ninth
Legislative Assembly
of North Dakota

**FIRST ENGROSSMENT
with House Amendments**

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. Except as provided by law, the right to access the law enforcement report
- 5 prepared for the survivor's case at no cost.
- 6 d. The right to a document prepared by the attorney general explaining the rights of
- 7 sexual violence survivors under this section and other relevant law, which must
- 8 be provided by a medical provider or law enforcement officer upon initial contact
- 9 with the survivor.