

## 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.