Chiefs of Police Association of North Dakota
Suggested Technical Amendments

1 **Sexual violence survivor rights.**

2 1. As used in this section:

3 a. "Sexual assault victim advocate" means a victim advocate of a domestic violence
4 sexual assault organization as defined under section 14-07.1-01, or a victim
5 advocate from a children's advocacy center as defined in 50-25.1-02.

6 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.

22 b. The right to the presence of privately retained counsel when speaking with law
23 enforcement regarding the alleged assault, unless law enforcement is conducting
24 a forensic interview with an alleged child victim.

25 c. Subject to other provisions of law, ~~T~~the right to a copy of~~access~~ the law
enforcement report prepared for the survivor's case free of charge.,

26 ~~unless:~~

27 ~~(1) The survivor is a minor; or~~

28 ~~(2) Providing access would hinder the investigation.~~

29 d. The right to a document prepared by the attorney general explaining the rights of
30 sexual violence survivors under this section and other relevant law. The rights
31 document must be provided by a medical provider or law enforcement officer
32 upon initial contact with the survivor.