

1 HOUSE BILL NO. 310

2 INTRODUCED BY A. BUCKLEY

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4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING SEXUAL ASSAULT REPORTING LAWS;
 5 ALLOWING A SEXUAL ASSAULT VICTIM THE RIGHT TO KNOW THE STATUS OF THE VICTIM'S
 6 EVIDENCE KIT; AND AMENDING SECTION 46-15-406, MCA."

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8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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10 **Section 1.** Section 46-15-406, MCA, is amended to read:

11 **"46-15-406. Notice of rights for victims of sexual assault.** The department of justice shall prepare
 12 a model form for use by health care facilities and law enforcement agencies that details the statutory rights of
 13 victims of sexual assault. These rights include the following:

14 (1) a victim may receive a sexual assault medical forensic examination and have evidence collected
 15 using a sexual assault evidence kit even if the victim does not want to participate in a criminal investigation;

16 (2) a victim may not be billed for the cost of administering the sexual assault medical forensic
 17 examination or collecting evidence for the sexual assault evidence kit;

18 (3) on request by a sexual assault victim to the investigating law enforcement agency, the victim may
 19 receive the following information:

20 (a) contact information for the officer investigating the case;

21 (b) the current status of the case;

22 (c) the current status of the sexual assault evidence kit;

23 ~~(e)~~(d) whether the case has been submitted to the office of the prosecuting attorney for review;

24 ~~(d)~~(e) whether the case has been closed and the documented reason for closure;

25 ~~(e)~~(f) if available, contact information for a local community-based victim services program;

26 ~~(f)~~(g) notifications of the victim's legal rights, including the right to file a petition requesting an order of
 27 protection; and

28 ~~(g)~~(h) the notices required by 46-24-203, 46-24-204, and 46-24-206."

