

BILL SUMMARY
1st Session of the 57th Legislature

Bill No.:	HB 2639
Version:	INT
Request Number:	7693
Author:	Rep. Munson
Date:	3/13/2019
Impact:	Funding subject to appropriations

Research Analysis

HB 2639 creates the "Sexual Assault Victims' Right to Information Act". The measure provides definitions and provides that a sexual assault victim retains all the rights of this act regardless of whether the victim agrees to participate in the criminal justice system at any time and regardless of whether the victim agrees to receive a medical evidentiary examination to collect sexual assault forensic evidence. The bill provides that a sexual assault victim has a right to consult with a sexual assault advocate during any examination or interview. The bill provides that any medical expenses related to the medical evidentiary examination or treatment of the victim are not to be charged directly to the victim. The victim is to be notified of their rights prior to a medical evidentiary or physical examination. The victim is to be notified of their right to consult a sexual assault advocate prior to being interviewed by law enforcement or the district attorney. The measure provides that a sexual assault victim has the right to request and receive the results and status of the analysis of the sexual assault forensic evidence of the victim. The measure states that a law enforcement officer or medical provider is to provide the victim with a document to be developed by the Office of the Attorney General that explains the rights of sexual assault victims. Crime laboratories are to retain forensic evidence for a minimum of 50 years or until the victim reaches 40 years of age if the victim was minor. The measure requires medical personnel to inform victims of sexual assault of their rights.

Prepared By: Brad Wolgamott

Fiscal Analysis

HB 2639, which deals with sexual assault victims' rights, stipulates that any costs incurred from the examination and any related medications are to be paid for by the Sexual Assault Examination (240) Fund which is under the District Attorneys' Council's (DAC) purview. Currently, all monies accruing to said fund are authorized transfers from the DAC's Crime Victims Compensation (230) Revolving Fund every year in the General Appropriations Bill. Historically, \$1 million is authorized to be transferred and is already being spent down. If this measure were to pass and there is an uptick in victims' examinations or medicine costs, an increase in appropriation/authorization to transfer would have to be considered in order for these costs to be covered as stipulated in the bill. The current balance of the fund is \$521.04.

The bill also requires crime laboratories to retain evidence for certain periods of time. OSBI is the agency most likely to be responsible for this storage. The agency estimates it will cost \$1 million in order to secure and maintain the storage, add five criminalists, and to pay for preliminary screening kits for the presence of male DNA. This \$1 million is included in their FY-20 funding request- and it is up to the Legislature to appropriate this amount for the next fiscal year. OSBI feels without the appropriation, the agency would still be able to store the evidence, but the current backlog will remain without the criminalists.

Prepared By: Kristina King

Other Considerations

None.