

# SENATE BILL No. 1004

June 12, 2014, Introduced by Senators JOHNSON and JONES and referred to the Committee on Judiciary.

A bill to create a sexual assault victim's rights act; to provide for certain victim's rights in sexual assault cases; to require certain notifications; and to require certain duties of certain state and local officials and agencies.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 1. This act shall be known and may be cited as the  
2 "sexual assault victim's rights act".

3           Sec. 2. As used in this act:

4           (a) "Forensic laboratory" means a forensic laboratory as that  
5 term is defined in section 2 of the forensic laboratory funding  
6 act, 1994 PA 35, MCL 12.202.

7           (b) "Law enforcement agency" includes a law enforcement agency  
8 of a community college or university if that law enforcement agency  
9 of a community college or university is responsible for collecting

1 sexual assault evidence.

2 (c) "Sexual assault case" means a criminal investigation or  
3 criminal prosecution to which either of the following applies:

4 (i) An individual is reporting that he or she was a victim of a  
5 sexual assault offense.

6 (ii) There is physical evidence that a sexual assault offense  
7 was committed against any individual. As used in this subparagraph,  
8 physical evidence includes photographic evidence.

9 (iii) There is eyewitness evidence that a sexual assault offense  
10 was committed against any individual.

11 (d) "Sexual assault evidence kit" means that term as defined  
12 in section 21527 of the public health code, 1978 PA 368, MCL  
13 333.21527.

14 (e) "Sexual assault offense" means a violation or attempted  
15 violation of sections 520b to 520g of the Michigan penal code, 1931  
16 PA 328, MCL 750.520b to 750.520g.

17 (f) "Victim" means an individual subjected to a sexual assault  
18 offense and, for the purposes of making communications and  
19 receiving notices under this act, his or her designee appointed  
20 under section 4.

21 Sec. 3. (1) Upon the request of a victim of a sexual assault  
22 offense, the law enforcement agency with the primary responsibility  
23 for investigating that sexual assault case shall inform the victim  
24 of the status of the processing of all evidence collected in that  
25 case. The law enforcement agency may require that the victim's  
26 request under this section be in writing.

27 (2) The law enforcement agency may respond to a victim's

1 request under this section with a written communication, or by  
2 electronic mail, if an electronic mail address is available. This  
3 subsection does not require the law enforcement agency to  
4 communicate with the victim regarding the status of the processing  
5 of crime scene evidence absent a specific request from the victim  
6 to do so.

7       Sec. 4. A sexual assault victim may designate another person  
8 of his or her own choosing to receive information requested by the  
9 sexual assault victim or any notice required under this act.

10       Sec. 5. Sexual assault victims have the following rights under  
11 this act:

12       (a) The right to be informed of whether a DNA profile of an  
13 assailant was obtained from the processing of evidence in the  
14 sexual assault case.

15       (b) The right to be informed of whether a DNA profile of an  
16 assailant has been entered into any data bank designed or intended  
17 to be used for the retention or comparison of case evidence.

18       (c) The right to be informed of whether there is a match  
19 between the DNA profile of an assailant obtained in the sexual  
20 assault case to any DNA profile contained in any data bank designed  
21 or intended to be used for the retention or comparison of case  
22 evidence. This subdivision does not apply if disclosure would  
23 impede or compromise an ongoing investigation.

24       (d) The right to be informed when the sexual assault evidence  
25 kit was submitted to the forensic laboratory, when the evidence is  
26 compared against any data bank, and of the results of the  
27 comparison. This subdivision does not apply if disclosure would

1 impede or compromise an ongoing investigation.

2       Sec. 6. (1) The law enforcement agency with the primary  
3 responsibility for investigating a sexual assault case shall  
4 provide information to a victim under this act in a timely manner  
5 and, upon request of the victim, advise the victim of any  
6 significant changes in the information of which the law enforcement  
7 agency is aware.

8       (2) To receive notice under this section, the victim shall  
9 keep the law enforcement agency informed of the name, address,  
10 telephone number, and electronic mail address of the person to whom  
11 the information should be provided, and of any changes of the name,  
12 address, telephone number, and electronic mail address, if an  
13 electronic mail address is available.

14       (3) A person accused or convicted of a crime against the  
15 victim has no standing to object to any failure to comply with this  
16 section. The failure to provide a right or notice to a sexual  
17 assault victim under this section shall not be used to have the  
18 conviction or sentence set aside.