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Serving the People of North Dakota

Survivors' Bill of Rights in the States Act

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Senators Chuck Grassley (R-IA) and Jeanne Shaheen (D-NH)

Endorsements: RISE, National Alliance to End Sexual Violence, End Rape on Campus, National Coalition Against Domestic Violence

Every 73 seconds, an American is sexually assaulted. According to the CDC, a staggering 25 million Americans are rape survivors – a population nearly equal to the state of Texas.

In 2016, Congress took bold action to combat this epidemic by unanimously passing the *Survivors' Bill of Rights Act* (Pub.L. 114-236) establishing rights for survivors of federal sexual assault offenses. Twenty-one states have followed suit by passing similar legislation. Our bill, the *Survivors' Bill of Rights in the States Act*, builds on that legacy by ensuring that all survivors, not just those in federal cases, are protected.

Our bill incentivizes states to ensure that survivors have, at a minimum, the rights guaranteed by the federal law. States that provide these rights are eligible for 10 percent of STOP formula grant funding, which is the largest Violence Against Women Act (VAWA) grant. These funds can be used to implement these rights, reduce the rape kit backlog, provide assistance and resources to survivors, and preserve rape kits or their probative contents.

There is precedent for this. Under the *Rape Survivor Child Custody Act* (Pub.L. 114-22), the Attorney General increases a state's allocation under the STOP formula grant if the state has a law terminating the parental rights of the rapist with regard to that child.

The *Survivors' Bill of Rights in the States Act* incentivizes states to pass, at a minimum, the rights guaranteed to survivors under the federal law:

- The right not to be prevented from, or charged for, receiving a medical forensic examination.
- The right to have a sexual assault evidence collection kit or its probative contents preserved without charge for the maximum applicable statute of limitations or 20 years, whichever is shorter.
- The right to be informed of any result of a sexual assault evidence collection kit.
- The right to be informed in writing of policies governing the kit's collection and preservation.
- The right, if the government intends to destroy or dispose of the kit, to receive written notice not later than 60 days before the date of the intended destruction or disposal, and the right, upon written request, to have the kit preserved.

Survivors deserve better than a broken criminal justice system and a patchwork of laws that vary greatly from state-to-state. By passing the *Survivors' Bill of Rights in the States Act*, we will help ensure that survivors have commonsense legal protections and that there are clear procedures that further access to justice.