

SS SCS SB 569 -- VICTIMS OF SEXUAL OFFENSES

SPONSOR: Koenig

COMMITTEE ACTION: Voted "Do Pass" by the Standing Committee on Children and Families by a vote of 13 to 0.

This bill includes several provisions relating to victims of sexual offenses.

THE "JUSTICE FOR SURVIVORS ACT"

This bill establishes the "Justice for Survivors Act" and directs the Department of Health and Senior Services (DHSS) to establish a statewide telehealth network for forensic examinations of victims of sexual offenses by July 1, 2022. The director of DHSS shall select a statewide coordinator to provide mentoring, training, and assistance for medical providers conducting forensic examinations, including training on obtaining informed consent of the victim for evidence collection. The network shall also provide consultation services, guidance, and technical assistance through telehealth services by a Sexual Assault Nurse Examiner (SANE) or other similarly trained providers. The training may be offered in-person and online. This bill also creates a fund for any grants, gifts, bequests, or donations for the development and maintenance of the network and the training offered.

Additionally, this bill requires any licensed hospital, by January 1, 2023, to perform a forensic examination using an evidentiary collection kit upon the request and consent of a victim of a sexual offense 14 years of age or older or the victim's guardian. Victims under 14 years of age shall be referred to a SAFE CARE provider; provided, that nothing in this act shall be interpreted to prevent a hospital from performing a forensic examination for a minor under 14 years of age upon the minor or guardian's request in accordance with state law and regulations.

An appropriate medical provider shall perform the examination and the hospital shall ensure that any provider performing the examination has received training conducting such examinations. If the provider is not a SANE or similarly trained physician or nurse, the hospital shall utilize telehealth services to provide guidance and support from a SANE, or other similarly trained professional, who shall observe the live examination and communicate with and support the onsite provider. The department may issue a waiver of the telehealth requirement if the hospital demonstrates a technological hardship, but such waivers shall be granted sparingly for no more than one year at a time, subject to renewal.

The department shall waive these requirements if the statewide telehealth network ceases operation, the hospital is notified, and the hospital cannot, in good faith, comply with the requirements of this act without the assistance or resources of the network. Such waiver shall remain in effect until the network resumes operation or until the hospital can comply with the requirements of this act without the assistance or resources of the network.

Current law regarding the reimbursement of such examinations and the provision of evidentiary collection kits shall apply to the forensic examinations under this act. Finally, each hospital shall, by October 1, 2021, report specified information to the department each year and the department shall make such information publicly available in aggregate, without identifying victims or medical providers(Sections 192.2520 and 197.315).

THE "SEXUAL ASSAULT SURVIVORS' BILL OF RIGHTS"

This bill also establishes the "Sexual Assault Survivors' Bill of Rights". Victims of sexual assault have a right to consult with employees or volunteers of rape crisis centers during any examination or interview, the right to receive notice of these rights prior to an examination or interview, the right to a prompt analysis of the forensic evidence, and other specified rights (Section 595.201).

THE "MISSOURI RIGHTS OF VICTIMS OF SEXUAL ASSAULT TASK FORCE"

This bill creates the "Missouri Rights of Victims of Sexual Assault Task Force" to consist of two members from the Senate and the House of Representatives, with a member from each party, appointed by the President Pro Tem and the Speaker of the House, and other members as specified in the bill. The task force shall make certain recommendations as provided in the bill. The task force shall collect data regarding sexual assault reporting, arrest, prosecution rates, access to sexual assault victims services, and any other important data, as well as collect feedback from stakeholders, practitioners, and leadership throughout the state and local law enforcement, victim services, forensic science practitioners, and health care communities. The task force shall submit a report on its findings to the Governor and the General Assembly no later than December 31, 2021. The task force shall expire on December 31, 2021 (Section 595.202).

EVIDENTIARY COLLECTION KITS

This bill modifies current law regarding procedures for tracking evidentiary collection kits. Currently, the Attorney General shall establish an electronic tracking system for evidentiary collection

kits and their components, including individual specimen containers. Additionally, current law requires the Attorney General to permit sexual assault victims or their designees access to the system to monitor the current status of their kits. This bill requires such victims to register with the system to track and obtain reports on the status and location of their kits through a secure web-based or similar system.

Appropriate medical providers, law enforcement agencies, laboratories, court personnel, persons or entities involved in the final disposition or destruction of the kits, and all other entities and persons having custody of the kits shall participate in the tracking system. The Department of Public Safety, with the advice of the Attorney General and the assistance of the Department of Health and Senior Services, shall develop and retain within the state a central repository for unreported evidentiary collection kits that is temperature-controlled to preserve the integrity of the kits and diminish degradation. Unreported kits shall be retained for 5 years; except in the case of minor victims, the retention period shall be until 5 years after the victim reaches 18 years of age. Records entered into the electronic tracking system shall be confidential and not subject to disclosure under state law.

PROPONENTS: Supporters of this bill say that it contains the recommendations made in the Attorney General Office Sexual Assault Forensic Evidence (SAFE) Kits Inventory Report issued on November 20, 2019. These recommendations will provide better access to forensic evaluations, more timely tracking and processing of those kits, and ultimately better evidence to prosecute perpetrators and provide greater legal protections to victims (Section 595.220).

Testifying for the bill was Senator Koenig.

OPPONENTS: There was no opposition voiced to the committee.