



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

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

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

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

- (1) a victim may receive a sexual assault medical forensic examination and have evidence collected using a sexual assault evidence kit even if the victim does not want to participate in a criminal investigation;
- (2) a victim may not be billed for the cost of administering the sexual assault medical forensic examination or collecting evidence for the sexual assault evidence kit;
- (3) on request by a sexual assault victim to the investigating law enforcement agency, the victim may receive the following information:
 - (a) contact information for the officer investigating the case;
 - (b) the current status of the case;
 - (c) the current status of the sexual assault evidence kit;
 - ~~(e)~~(d) whether the case has been submitted to the office of the prosecuting attorney for review;
 - ~~(d)~~(e) whether the case has been closed and the documented reason for closure;
 - ~~(e)~~(f) if available, contact information for a local community-based victim services program;
 - ~~(f)~~(g) notifications of the victim's legal rights, including the right to file a petition requesting an order of protection; and

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

- END -

I hereby certify that the within bill,
HB 310, originated in the House.

Chief Clerk of the House

Speaker of the House

Signed this _____ day
of _____, 2021.

President of the Senate

Signed this _____ day
of _____, 2021.

HOUSE BILL NO. 310

INTRODUCED BY A. BUCKLEY, M. STROMSWOLD

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