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HOUSE BILL NO. 79

INTRODUCED BY A. REGIER

BY REQUEST OF THE DEPARTMENT OF JUSTICE

A BILL FOR AN ACT ENTITLED: "AN ACT CREATING A SEXUAL ASSAULT RESPONSE NETWORK PROGRAM WITHIN THE DEPARTMENT OF JUSTICE AND A SEXUAL ASSAULT RESPONSE TEAM COMMITTEE AND ASSIGNING DUTIES; REQUIRING THE SEXUAL ASSAULT RESPONSE TEAM COMMITTEE TO ADOPT EDUCATIONAL AND CLINICAL STANDARDS FOR SEXUAL ASSAULT NURSE EXAMINERS; PROVIDING FOR A SEXUAL ASSAULT RESPONSE NETWORK PROGRAM COORDINATOR; PROVIDING RULEMAKING AUTHORITY; PROVIDING DEFINITIONS; AMENDING SECTIONS 5-11-222 AND 46-15-405, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

**NEW SECTION. Section 1. Sexual assault response network program.** There is a sexual assault response network program in the department of justice. The program, subject to the availability of appropriated funds, consists of the agents and employees of the department whom the attorney general considers necessary and appropriate, including the sexual assault response network program coordinator provided under [section 6]. The program has the duties provided under [section 4].

**NEW SECTION. Section 2. Sexual assault response team committee.** (1) There is a sexual assault response team committee in the department of justice.

(2) The committee is allocated to the department of justice for administrative purposes only as prescribed in 2-15-121.

(3) The committee has the independent and quasi-judicial authority and duties provided for in [section 5]. The provisions of 2-15-124 do not apply.

(4) Committee members must be appointed by the Montana attorney general.

(5) Committee members shall serve at the pleasure of the appointing authority and for no longer

1 than 4 years without reappointment. Committee membership includes but is not limited to:

- 2 (a) at least one sexual assault nurse examiner;
- 3 (b) a representative from the Montana hospital association;
- 4 (c) a representative from the Montana nurses association;
- 5 (d) a telehealth affiliate or provider;
- 6 (e) a representative from a victim service provider or organization;
- 7 (f) a representative from a law enforcement agency;
- 8 (g) a county attorney representative or designee;
- 9 (h) a member from the department of justice forensic sciences division;
- 10 (i) a member from the department of justice state attorney's office;
- 11 (j) a member from the department of justice information technology service desk; ~~and~~
- 12 (k) a representative of the office of state public defender; ~~and~~
- 13 (l) a member with a tribal affiliation.

14 (6) Each member is entitled to reimbursement of travel expenses incurred while in performance of  
15 committee duties by the department of justice as provided for in 2-18-501 through 2-18-503.

16 (7) A vacancy must be filled in the same manner as the original appointment.

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18 **NEW SECTION. Section 3. Definitions.** As used in [sections 1 through 7], unless the context clearly  
19 indicates otherwise, the following definitions apply:

- 20 (1) "Committee" means the sexual assault response team committee established in [section 2].
- 21 (2) "Department" means the department of justice.
- 22 (3) "Program" means the sexual assault response network program established in [section 1].
- 23 (4) "SANE" or "sexual assault nurse examiner" means a registered nurse with education and  
24 training in conducting forensic examinations of sexual assault victims.
- 25 (5) "SANE program" means a program that meets the requirements prescribed by the department  
26 of justice under [section 4].
- 27 (6) "Sexual assault response team" means a multidisciplinary team of specially trained members of  
28 health care, law enforcement, prosecution, and advocacy that work together to provide coordinated health care

1 kits; and

2 (c) allow an individual to anonymously access the tracking system to track the location and status  
3 of the individual's sexual assault evidence kit.

4 (2) The department of justice shall adopt rules for developing and using the sexual assault  
5 evidence kit tracking system. Law enforcement agencies, health care facilities, and crime laboratories shall use  
6 the tracking system as provided in the rules.

7 (3) Information contained in the sexual assault evidence kit tracking system is confidential and not  
8 subject to public disclosure."

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10 **NEW SECTION. Section 10.** {standard} **Notification to tribal governments.** The secretary of state  
11 shall send a copy of [this act] to each federally recognized tribal government in Montana.

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13 **NEW SECTION. Section 11. Codification instruction.** (1) [Sections 1 and 2] are intended to be  
14 codified as an integral part of Title 2, chapter 15, part 20, and the provisions of Title 2, chapter 15, apply to  
15 [sections 1 and 2].

16 (2) [Sections 3 through 7] are intended to be codified as a new part in Title 44, chapter 4, and the  
17 provisions of Title 44, chapter 4, apply to [sections 3 through 7].

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19 **NEW SECTION. Section 12. Effective date.** [This act] is effective July 1, 2023.

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