

1 HOUSE BILL NO. 79
2 INTRODUCED BY A. REGIER
3 BY REQUEST OF THE DEPARTMENT OF JUSTICE
4

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

14
15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
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17 NEW SECTION. Section 1. Sexual assault response network program. There is a sexual assault
18 response network program in the department of justice. The program, subject to the availability of appropriated
19 funds, consists of the agents and employees of the department whom the attorney general considers necessary
20 and appropriate, including the sexual assault response network program coordinator provided under [section 6].
21 The program has the duties provided under [section 4].
22

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

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

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

1 enforcement, prosecution, victim advocates, and other relevant professionals;

2 (f) organizing the development of community sexual assault response teams;

3 (g) promoting public education and awareness of sexual violence prevention, available services,
4 and care;

5 (h) maintaining the statewide sexual assault evidence kit tracking system provided for in 46-15-
6 405;

7 (i) maintaining the department of justice sexual assault evidence kit hotline; and

8 (j) coordinating statewide sexual assault evidence kit inventory, materials, and distribution,
9 including making sexual assault evidence kit resources available online.

10 (4) The department of justice may collaborate with other persons, victim service providers, health
11 care facilities, the Montana hospital association, the Montana nurses association, the Montana coalition against
12 domestic and sexual violence, the Montana sheriffs and peace officers association, the Montana association of
13 chiefs of police, the Montana county attorneys' association, law enforcement agencies, and other government
14 agencies to execute its general powers and duties under this section.

15

16 **NEW SECTION. Section 5. Sexual assault response team committee -- rulemaking -- duties.**

17 The sexual assault response team committee established in [section 2] may adopt, amend, and repeal rules
18 necessary for the implementation, continuation, and enforcement of the authority granted in this section. The
19 committee's duties include but are not limited to:

20 (1) adopting educational and clinical standards for sexual assault nurse examiners. Standards
21 must comply with national training standards for sexual assault medical forensic examiners, national protocol
22 for sexual assault medical forensic examinations adult/adolescent and pediatric, guidelines from the
23 international association of forensic nurses, and state and local laws.

24 (2) adopting and implementing an evidence-based sexual assault nurse examiner training
25 curriculum that conforms with national training standards for sexual assault medical forensic examiners,
26 national protocol for sexual assault medical forensic examinations adult/adolescent and pediatric, guidelines
27 from the international association of forensic nurses, and state and local laws;

28 (3) adopting and implementing the state of Montana medical sexual assault response guidelines;

1 (4) developing statewide teleSANE partnerships, collaborations with hospital and clinic leadership,
2 and strategies that include interoperability of health care systems, secure health information exchange, and
3 assessment of teleSANE models of care to increase equitable access to quality sexual assault care; ~~and~~

4 (5) identifying and implementing a statewide forensic nurse platform for sexual assault nurse
5 examiners to engage, mentor, share, and network among colleagues; and

6 (6) establishing and periodically reviewing payment amounts and processes for the sexual assault
7 medical forensic examination in accordance with 46-15-411 and periodically reviewing standards and payments
8 for forensic exams performed under the forensic rape examination payment program.

9
10 **NEW SECTION. Section 6. Sexual assault response network program coordinator -- establish --**

11 **general duties.** (1) The department of justice shall employ a sexual assault response network program
12 coordinator.

13 (2) The program coordinator shall administer the powers and duties of the program and committee
14 as provided for in [sections 2 through 5].

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16 **NEW SECTION. Section 7. Report required.** The department of justice shall report annually to the
17 law and justice interim committee in accordance with 5-11-210 on the activities of the sexual assault response
18 network program and the sexual assault response team committee under [sections 2 through 5].

19
20 **Section 8.** Section 5-11-222, MCA, is amended to read:

21 **"5-11-222. Reports to legislature.** (1) (a) Except as provided in subsection (1)(b) and (6), a report to
22 the legislature means a biennial report required by the legislature and filed in accordance with 5-11-210 on or
23 before September 1 of each year preceding the convening of a regular session of the legislature.

24 (b) If otherwise specified in law, a report may be required more or less frequently than the biennial
25 requirement in subsection (1)(a).

26 (2) Reports to the legislature include:

27 (a) annual reports on the unified investment program for public funds and public retirement
28 systems and state compensation insurance fund assets audits from the board of investments in accordance