

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:
16

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.

Amendment - 1st Reading-white - (H) Judiciary

- 2023

68th Legislature 2023

Drafter: Rachel Weiss, 406-444-5367

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

2 (5) Committee members shall serve at the pleasure of the appointing authority and for no longer
3 than 4 years without reappointment. Committee membership includes but is not limited to:

4 (a) at least one sexual assault nurse examiner;

5 (b) ~~a representative from the Montana hospital association~~ hospital administrator;

6 (c) ~~a representative from the Montana nurses association~~ registered nurse or advanced practice
7 registered nurse;

8 (d) a telehealth affiliate or provider;

9 (e) a representative from a victim service provider or organization;

10 (f) a representative from a law enforcement agency;

11 (g) a county attorney representative or designee;

12 (h) a member from the department of justice forensic sciences division;

13 (i) a member from the department of justice state attorney's office;

14 (j) a member from the department of justice information technology service desk; ~~and~~

15 (k) a representative of the office of state public defender; ~~and~~

16 (l) a member with a tribal affiliation.

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

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

20

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

23 (1) "Committee" means the sexual assault response team committee established in [section 2].

24 (2) "Department" means the department of justice.

25 (3) "Program" means the sexual assault response network program established in [section 1].

26 (4) "SANE" or "sexual assault nurse examiner" means a registered nurse with education and
27 training in conducting forensic examinations of sexual assault victims.

28 (5) "SANE program" means a program that meets the requirements prescribed by the department

1 forensic examinations and sexual assault nurse examiner care;

2 (e) providing quality, accessible sexual assault response training and technical assistance for law
3 enforcement, prosecution, victim advocates, and other relevant professionals;

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

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

7 (h) maintaining the statewide sexual assault evidence kit tracking system provided for in 46-15-
8 405;

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

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

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

17

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

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

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

26 (2) adopting and implementing an evidence-based sexual assault nurse examiner training
27 curriculum that conforms with national training standards for sexual assault medical forensic examiners,
28 national protocol for sexual assault medical forensic examinations adult/adolescent and pediatric, guidelines

1 from the international association of forensic nurses, and state and local laws;

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

3 (4) developing statewide teleSANE partnerships, collaborations with hospital and clinic leadership,

4 and strategies that include interoperability of health care systems, secure health information exchange, and

5 assessment of teleSANE models of care to increase equitable access to quality sexual assault care; ~~and~~

6 (5) identifying and implementing a statewide forensic nurse platform for sexual assault nurse

7 examiners to engage, mentor, share, and network among colleagues; and

8 (6) establishing and periodically reviewing payment amounts and processes for the sexual assault

9 medical forensic examination in accordance with 46-15-411 and periodically reviewing standards and payments

10 for forensic exams performed under the forensic rape examination payment program.

11

12 NEW SECTION. Section 6. Sexual assault response network program coordinator -- establish --

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

14 coordinator.

15 (2) The program coordinator shall administer the powers and duties of the program and committee

16 as provided for in [sections 2 through 5].

17

18 NEW SECTION. Section 7. Report required. The department of justice shall report annually to the

19 law and justice interim committee in accordance with 5-11-210 on the activities of the sexual assault response

20 network program and the sexual assault response team committee under [sections 2 through 5].

21

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

23 **"5-11-222. Reports to legislature.** (1) (a) Except as provided in subsection (1)(b) and (6), a report to

24 the legislature means a biennial report required by the legislature and filed in accordance with 5-11-210 on or

25 before September 1 of each year preceding the convening of a regular session of the legislature.

26 (b) If otherwise specified in law, a report may be required more or less frequently than the biennial

27 requirement in subsection (1)(a).

28 (2) Reports to the legislature include:

1 statewide sexual assault evidence kit tracking system. The tracking system must:

2 (a) track the status of a sexual assault evidence kit from the collection site through the criminal
3 justice process, including the initial collection at a health care facility, inventory and storage by law enforcement
4 agencies, analysis at a crime laboratory, and storage or destruction after completion of analysis;

5 (b) allow law enforcement agencies, health care facilities, a crime laboratory, and other entities
6 that receive, maintain, store, or preserve sexual assault evidence kits to update the status and location of the
7 kits; and

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

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

13 (3) Information contained in the sexual assault evidence kit tracking system is confidential and not
14 subject to public disclosure."
15

16 **NEW SECTION. Section 10. Notification to tribal governments.** The secretary of state shall send a
17 copy of [this act] to each federally recognized tribal government in Montana.
18

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

22 (2) [Sections 3 through 7] are intended to be codified as a new part in Title 44, chapter 4, and the
23 provisions of Title 44, chapter 4, apply to [sections 3 through 7].
24

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