



AB 1312– Sexual Assault Survivor Bill of Rights

IN BRIEF

Assembly Bill 1312 would ensure that rape kits are not destroyed prematurely, that survivors of sexual assault are aware of their rights and the resources available to them, and codify important additional rights for survivors such as free post-assault contraception.

BACKGROUND & PROBLEM

The Center for Disease control estimates that 25 million Americans are rape survivors. In California, there are an estimated 2 million female victims of rape and 5.6 million female victims of other sexual violence¹.

According to the U.S. Department of Justice, most sexual assault victims do not receive treatment for their injuries, and “74 percent of completed and attempted sexual assaults against females were not reported to the police.”² The lack of reporting may often be due to the trauma of the actual reporting process, including the shame and costs related to participating in the legal process.

Last year, Congress passed bipartisan legislation authored by Congresswoman Mimi Walters and Zoe Lofgren to help establish minimum standards for the rights of sexual assault survivors and legal procedures for law enforcement, ensuring that access to justice would not depend on geography. This bill included provisions on the preservation of rape kits, notification prior to destruction of a rape kit, a joint working group on the best practices regarding treatment and the preservation of forensic evidence, and grants to help fund notification of a victim’s rights.

While California has made efforts improve the testing and tracking of rape kits and the treatment of survivors, there are still loopholes in law and problems. For instance, current reading of California’s code could allow for a rape kit to be destroyed after only two years.

Furthermore, the complex medical and legal systems survivors face after the assault continues to be difficult to navigate for many due to a lack of clear information or extra accommodations an individual might need.

SOLUTION

AB 1312 would expand the protections and services granted to victims of sexual assault and help ensure access to the legal system. The bill would:

- Require agencies to test rape kits;
- Prohibit a law enforcement agency from disposing of or destroying a rape kit for at least 20 years;
- Require the development of a card outlining the rights of sexual assault victims and available resources;
- Grant survivors of sexual assault the right to request to a person of a certain gender be present during interviews;
- Establish the victim’s right to a free copy of law enforcement reports on the sexual assault;
- Establish the right of a victim to free contraception and, when available, a shower after the medical exam; and
- Establish the right of a victim to a separate waiting room during criminal proceedings from the defendant and district attorney’s office.

SUPPORT

RISE (sponsor)
Crime Victims United California
Los Angeles County Professional Peace Officers Association

FOR MORE INFORMATION

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¹ <http://www.calcasa.org/what-we-do/about-sexual-violence/>

² <https://www.bjs.gov/content/pub/pdf/rsarp00.pdf>