

By Mr. Knapik, a petition (accompanied by bill, Senate, No. 974) of Michael R. Knapik, Sarah B. Coughlin, Brian A. Joyce, Kathi-Anne Reinstein and other members of the General Court for legislation to establish a bill of rights for victims of rape and sexual assault. The Judiciary.

The Commonwealth of Massachusetts

In the Year Two Thousand and Five.

AN ACT ESTABLISHING A BILL OF RIGHTS FOR VICTIMS OF RAPE AND SEXUAL ASSAULT.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

- 1 SECTION 1. Chapter 258 of the General Laws is hereby
- 2 amended by inserting after section 13B the following section:
- 3 Section 13C. Rights shall be accorded to rape and sexual
- 4 assault victims that occur in the Commonwealth of Massachusetts.
- 5 All rights shall recognize victim sensitivity; a victim is to be
- 6 treated with dignity, their wishes respected and a victim is to be
- 7 heard.
- 8 Rights shall include the following;
- 9 (a). The right to have a safe place and safe persons with the
- 10 victim immediately after the rape or sexual assault has occurred;
- 11 (b). The right to full, prompt, and victim-sensitive cooperation
- 12 from all persons including but not limited to: law enforcement,
- 13 hospital / medical staff, mental health / rape crisis counselors;
- 14 (c). The right to be notified of existing medical, counseling,
- 15 mental health or rape crisis services; including hotlines and advocacy for victims of rape and sexual assault including but not limited to: hospital, medical center, university or rape crisis center;
- 16 (d). The right to obtain a rape kit;
- 17 (e). The right to have confidential and anonymous testing for
- 18 sexually transmitted diseases or human immunodeficiency virus;
- 19 the right to be informed of, and assisted in exercising any rights
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22 that may be provided by law to compel and disclose the results of
23 testing of sexual assault suspects for communicable diseases;
24 (f). The right to have any allegation of rape or sexual assault
25 investigated and adjudicated by the appropriate criminal and civil
26 authorities of the jurisdiction in which the crime occurred, in
27 obtaining, securing, and maintaining evidence, including a med-
28 ical examination.

1 SECTION 2. Any person, who knowingly violates the rights
2 pursuant to this section, shall be subject to a fine of not more than
3 \$2,000. Any person, who knowingly violates the rights pursuant
4 to section 13(e) shall be punish by imprisonment in jail for not
5 more than one year, or by a fine of not more than \$5,000, or both
6 fine and imprisonment.