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BILL ANALYSIS

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Senate Bill 1004 (Substitute S-2 as reported)
Sponsor: Senator Bert Johnson
Committee: Judiciary

CONTENT

The bill would create the "Sexual Assault Victim's Access to Justice Act", effective April 1, 2015, to do the following:

- Require the investigating law enforcement agency to give certain information to a sexual assault victim within 24 hours after the initial contact between them, beginning not later than September 30, 2015.
- Require the investigating law enforcement agency to give a sexual assault victim certain information regarding the investigation of the case and DNA testing results, if the victim requested that information.
- Allow a sexual assault victim to designate another person to receive the requested information.
- Require the Domestic and Sexual Violence Prevention and Treatment Board to develop a sample notice card for sexual assault victims, by June 30, 2015.
- Require the Board to develop an informational handout for sexual assault victims, explaining the meaning of possible forensic testing results, by September 30, 2015.
- Require the Board to make the card and the handout available electronically to law enforcement agencies.

Specifically, within 24 hours after the initial contact between a sexual assault victim and the investigating law enforcement agency, the agency would have to give the victim a written copy of, or access to, contact information for a local community-based sexual assault services program, if available; notice that the victim could have a sexual assault evidence kit administered, that he or she could not be billed for the examination, and that the kit could be administered without the victim's participating in the criminal justice system or cooperating with law enforcement; notice of the right to request information regarding the investigation of the case and DNA testing results; and notice of the right to request a personal protection order enjoining domestic violence or stalking activity.

Also, if available, and if the disclosure did not impede or compromise the investigation, upon the victim's request, the law enforcement agency would have to give the victim contact information for the investigating officer and notify the victim of the current status of the case, whether it had been submitted to the prosecuting attorney for review, and whether the case had been closed and the reason for closure. Upon the victim's request for information about DNA testing, the victim would have to be notified when the sexual assault evidence kit was submitted to the forensic laboratory, whether a DNA profile of a suspect was obtained, whether a suspect's DNA profile had been entered into any data bank used for the retention or comparison of evidence, and whether there was a match between a suspect's DNA profile and a DNA profile contained in any such data bank.

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would require the Michigan State Police or any other law enforcement agency with the primary responsibility for investigating a sexual assault to provide the victim, or a person designated by the victim, with specific notices and information, including information regarding the status of evidence in the case, as required or if requested. These provisions would result in minimal additional costs to law enforcement agencies, as they currently have victim communication responsibilities – though not as expansive as the bill would require – under the Crime Victim's Rights Act.

The bill also would result in minimal costs to the Domestic and Sexual Violence Prevention and Treatment Board and the Department of Human Services budget for developing a sample notice card and an informational handout for victims, which would have to be made available electronically to law enforcement agencies.

Date Completed: 8-18-14

Fiscal Analyst: Bruce Baker
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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.