

REFERENCE TITLE: sexual assault survivor; rights

State of Arizona
House of Representatives
Fifty-sixth Legislature
First Regular Session
2023

HB 2787

Introduced by
Representatives Gutierrez: De Los Santos, Mathis, Pawlik, Sandoval,
Schwiebert, Terech

AN ACT

AMENDING TITLE 13, CHAPTER 40, ARIZONA REVISED STATUTES, BY ADDING SECTION
13-4444; RELATING TO VICTIMS' RIGHTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 13, chapter 40, Arizona Revised Statutes, is
3 amended by adding section 13-4444, to read:

4 13-4444. Survivor of sexual assault rights

5 A. IN ADDITION TO THE RIGHTS ENUMERATED IN THE VICTIMS' BILL OF
6 RIGHTS, ARTICLE II, SECTION 2.1, CONSTITUTION OF ARIZONA, THE VICTIM OF A
7 SEXUAL ASSAULT HAS THE FOLLOWING RIGHTS:

8 1. THE RIGHT TO:

9 (a) BE INFORMED OF ANY RESULT OF A SEXUAL ASSAULT EVIDENCE
10 COLLECTION KIT, INCLUDING A DNA PROFILE MATCH, TOXICOLOGY REPORT OR OTHER
11 INFORMATION COLLECTED AS PART OF A MEDICAL FORENSIC EXAMINATION, IF THE
12 DISCLOSURE WOULD NOT IMPEDE OR COMPROMISE AN ONGOING INVESTIGATION.

13 (b) HAVE A SEXUAL ASSAULT EVIDENCE COLLECTION KIT OR ITS PROBATIVE
14 CONTENTS PRESERVED, WITHOUT CHARGE, FOR THE DURATION OF FIFTY-FIVE YEARS
15 OR THE APPLICABLE RETENTION PERIOD REQUIRED BY SECTION 13-4221, WHICHEVER
16 IS SHORTER.

17 (c) BE INFORMED IN WRITING OF POLICIES THAT GOVERN THE COLLECTION
18 AND PRESERVATION OF A SEXUAL ASSAULT EVIDENCE COLLECTION KIT, INCLUDING
19 HOW TO REQUEST THAT A KIT BE TESTED IN THE FUTURE IF THE PERSON DECLINED
20 TO SUBMIT A REPORT AT AN EARLIER DATE.

21 (d) BE INFORMED ABOUT THE RIGHT TO APPLY FOR VICTIM COMPENSATION.

22 (e) DESIGNATE A PERSON TO RECEIVE ANY OF THE INFORMATION REQUIRED
23 OR REQUESTED PURSUANT TO THIS SECTION.

24 (f) BE PROVIDED WITH THE CONTACT INFORMATION FOR THE DESIGNATED LAW
25 ENFORCEMENT LIAISON AT THE TIME THE SEXUAL ASSAULT EVIDENCE COLLECTION KIT
26 IS COLLECTED.

27 2. ON WRITTEN REQUEST, THE RIGHT TO:

28 (a) RECEIVE WRITTEN NOTIFICATION FROM THE APPROPRIATE OFFICIAL WITH
29 CUSTODY OF THE SEXUAL ASSAULT EVIDENCE COLLECTION KIT OR ITS PROBATIVE
30 CONTENTS NOT LATER THAN SIXTY DAYS BEFORE THE INTENDED DESTRUCTION OR
31 DISPOSAL OF ANY CONTENTS.

32 (b) BE GRANTED FURTHER PRESERVATION OF THE SEXUAL ASSAULT EVIDENCE
33 COLLECTION KIT OR ITS PROBATIVE EVIDENCE.

34 B. THE VICTIM OF A SEXUAL ASSAULT MUST BE INFORMED OF THE RIGHTS
35 PROVIDED BY THIS SECTION.