

HB 936 -- Criminal Justice System

Sponsor: Wildberger

This bill changes the laws regarding the criminal justice system. In its main provisions, the bill:

(1) Establishes Christy's Law which specifies that the Department of Health and Senior Services must require appropriate medical providers performing forensic examinations or giving medical treatment to victims of sexual offenses to inform the victim of his or her right to request a drug test for the presence of specific drugs used to facilitate a rape or sexual assault, provide the victim with a release form to sign stating the victim has been informed of the right to receive a drug test, and to administer the test if requested;

(2) Removes the statute of limitations for any sexual offense for which DNA evidence of the perpetrator has been collected from the victim or the crime scene;

(3) Specifies that forcible compulsion with regard to the crimes of forcible rape and forcible sodomy will include the administration of alcohol without the victim's knowledge or consent which renders the victim incapable of making an informed consent to sexual intercourse or deviate sexual intercourse, the use of fraud or deceit which tricks the victim into consenting to sexual intercourse or deviate sexual intercourse, the use of blackmail to force the victim to consent to sexual intercourse or deviate sexual intercourse, or the use of a position of authority over a child younger than 18 years of age to force the victim to consent to sexual intercourse or deviate sexual intercourse;

(4) Specifies that a person will be guilty of statutory rape in the second degree and statutory sodomy in the second degree if he or she has sexual intercourse or deviate sexual intercourse with a person younger than 17 years of age and the offender is at least three years older than the victim;

(5) Specifies that a person convicted of forcible rape or forcible sodomy will not be eligible for probation, parole, or conditional release if the victim is a child younger than 12 years of age;

(6) Expands the crime of unlawful possession of a firearm to include a person subject to certain court orders or who has been found guilty of or pled guilty to a misdemeanor crime of domestic assault;

(7) Requires institutions of higher education to develop sexual

assault policies, a rape education office, and provide the public with an official statement which strictly protects an individual from retaliation for reporting a sexual assault and clearly specifies the disciplinary procedures for a retaliatory act and informs the victim of the actions available to him or her;

(8) Requires law enforcement officers investigating a sexual offense to request the victim to undergo a forensic examination; inform the victim that there will be no cost for the exam; assist the victim in locating an appropriate medical provider to administer the exam and transport him or her, if necessary, to the provider; inform the victim of his or her right to request a drug test; and collect and preserve any DNA evidence which might identify or exclude a person as the perpetrator of the sexual offense;

(9) Expands specific crime victims' rights to victims of sexually violent offenses and requires any victim to have the right to the services of a court advocate; and

(10) Requires any DNA collected under the provisions of the bill to be submitted for inclusion in the federal Combined DNA Index System (CODIS).