

HOUSE BILL NO. 4488

April 27, 2023, Introduced by Reps. Morse, Brixie, Miller, Arbit, Rogers, Paiz, Tsernoglou, Hill, Liberati, Farhat, Rheingans, Martus, Wilson, McFall, Scott, Hope, Andrews, Price, Young, Haadsma, Hood, Dievendorf, Breen, Steckloff, Byrnes, Brabec, Stone, Aiyash and Whitsett and referred to the Committee on Criminal Justice.

A bill to amend 2008 PA 546, entitled
"Sexual assault victims' medical forensic intervention and
treatment act,"
(MCL 400.1531 to 400.1535) by amending the title and by adding
sections 2a and 2b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 TITLE
2 An act to create the sexual assault victims' medical forensic
3 intervention and treatment fund; to provide for assessments against
4 certain criminal defendants and certain juvenile offenders; to

1 provide for expenditures from the fund; to ~~provide for~~
2 ~~establishment of and funding~~ **establish, and to provide funding** for
3 **and access to** medical forensic intervention, ~~and~~ treatment
4 programs, **and certain supports** for victims **and survivors** of
5 criminal sexual conduct; and to prescribe the powers and duties of
6 certain state and local governmental officers and agencies.

7 **Sec. 2a. (1) Except as provided in subsection (4), a sexual**
8 **assault survivor has a right to have a support person selected by**
9 **the survivor and an attorney retained by the survivor present**
10 **during an interview conducted in the course of an investigation of**
11 **criminal sexual conduct.**

12 (2) A sexual assault survivor has a right to consult with a
13 sexual assault counselor and an attorney retained by the survivor
14 during the administration of a sexual assault evidence kit. If the
15 sexual assault counselor or attorney cannot be summoned in a timely
16 manner, the sexual assault survivor must be notified of any
17 ramifications to delaying the administration of the sexual assault
18 evidence kit.

19 (3) A sexual assault survivor must be informed of the right to
20 have a support person, attorney, and sexual assault counselor
21 present under subsections (1) and (2). A sexual assault survivor is
22 not required to participate in the criminal justice system or
23 cooperate with law enforcement as a condition of exercising a right
24 under subsection (1) or (2). Except as otherwise required by law,
25 the presence of a support person does not waive a privilege to
26 which a survivor is otherwise entitled.

27 (4) Unless the support person designated under subsection (1)
28 is an attorney retained by the sexual assault survivor, subsection
29 (1) does not apply if a law enforcement officer, prosecutor, or

1 defense attorney conducting the interview determines in his or her
2 good-faith professional judgment that the presence of a support
3 person with a sexual assault survivor during an interview would be
4 detrimental to the purpose of the interview.

5 (5) As used in this section, "sexual assault survivor" means
6 an individual who is a survivor of criminal sexual conduct.

7 Sec. 2b. Not later than 18 months after the effective date of
8 the amendatory act that added this section, the board shall do all
9 of the following:

10 (a) Study nationally recognized best practices regarding the
11 following topics:

12 (i) The number of current sexual assault counselors and
13 utilization of those counselors.

14 (ii) The use of sexual assault counselors after a medical
15 examination following a sexual assault or after the administration
16 of a sexual assault evidence kit.

17 (b) Collect data from this state regarding all of the
18 following:

19 (i) The reporting of sexual assaults.

20 (ii) Arrest and prosecution rates for criminal sexual conduct.

21 (iii) Sexual assault survivor access to sexual assault crisis
22 centers and sexual assault counselors.

23 (iv) Any other information that the board considers important
24 in creating the report described under subdivision (e).

25 (c) Collect information regarding the care and treatment of
26 sexual assault survivors from stakeholders, practitioners, state
27 and local law enforcement agencies, providers of victim services,
28 forensic science practitioners, and health care providers.

29 (d) Consult with experts.

1 (e) Create a report that includes all of the following:

2 (i) A conclusion of whether there is a need for additional
3 sexual assault counselors in this state and the information used
4 for that conclusion.

5 (ii) If the board concludes there is a need for additional
6 sexual assault counselors under subparagraph (i), a plan to provide
7 a sufficient number of sexual assault counselors with sexual
8 assault crisis centers to meet the needs of sexual assault
9 survivors.

10 (iii) An estimate of the cost and any method of funding the plan
11 under subparagraph (ii), if applicable.