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HOUSE BILL NO. 2400

Offered January 14, 2009

Prefiled January 14, 2009

A *BILL to amend the Code of Virginia by adding in Chapter 13 of Title 9.1 a section numbered 9.1-1302, relating to the establishment of sexual assault response teams.*

Patrons—Bell and Pollard

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 13 of Title 9.1 a section numbered 9.1-1302 as follows:

§ 9.1-1302. Sexual Assault Response Teams established; membership; duties.

A. The attorney for the Commonwealth in every political subdivision in the Commonwealth, or his designee, shall establish a Sexual Assault Response Team, or enter into a collaborative agreement with another jurisdiction to create a regional team. The purpose of the team is to ensure a coordinated, multidisciplinary response to criminal sexual assault as defined under Article 7 (§ 18.2-61) of Chapter 4 of Title 18.2.

B. Each team shall develop a written protocol to govern the team's response to sexual assault, including but not limited to:

- 1. The role and responsibilities of each team member;*
- 2. Procedural issues regarding the immediate crisis, health care, and law-enforcement responses and follow-up services to the alleged victim;*
- 3. Methods for the collection, preservation, and secure storage of evidence from a Physical Evidence Recovery Kit examination for a minimum of 60 days;*
- 4. Methods for maintaining the confidentiality of the alleged victim regarding the forensic-medical examination and the chain of custody, storage, and destruction of evidence; and*
- 5. Procedures for the destruction of evidence.*

C. Membership of the team shall consist of, but not be limited to, the following persons or their designees: the attorney for the Commonwealth, the director of the local sexual assault crisis center, the chief of police or sheriff, a forensic sexual assault nurse examiner or designated health care provider who performs Physical Evidence Recovery Kit examinations, and the director of the local victim/witness program.

D. The Department of Criminal Justice Services shall provide technical assistance to the local teams on the development and implementation of local Sexual Assault Response Teams.

E. Each team shall meet at least annually, or more often if necessary to ensure a coordinated, multidisciplinary response and shall publish an annual report for the jurisdictions covered by the team that includes, but is not limited to, local statistics on the number of forensic exams performed, the number of criminal sexual assaults reported to law enforcement, and the number of criminal sexual assaults prosecuted.