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LEGISLATURE AWARDS FINAL PASSAGE TO “SEXUAL ASSAULT SURVIVORS BILLS OF RIGHTS” SPONSORED BY STATE REP. CHIP BROWN

On Monday's final meeting day of the 2021 regular session, the Alabama Legislature awarded final passage to a measure by State Rep. Chip Brown (R - Hollinger's Island) that creates a "Sexual Assault Survivors Bill of Rights" and provides fundamental protections and guarantees to those who have suffered from certain violent crimes.

"Sexual assault is a traumatic and life-changing experience, and its survivors often have to deal with interminable delays, unanswered questions, and feelings of being lost in the legal system as their cases are being resolved," Brown said. "With passage of this legislation, survivors of assault will be afforded the respect, attention, and timely information that they deserve. I appreciate the support of my colleagues in the House and Senate and urge Gov. Ivey to sign this much-needed measure into law."

Under the provisions of Brown's legislation, individuals who report they suffered non-consensual sexual acts must be informed in writing that they qualify for the "Sexual Assault Survivors Bill of Rights" and are afforded the following under state law:

- To not be prevented or charged for receiving a medical forensic examination
- To have the sexual assault evidence collection kit preserved without charge for at least 20 years or, if the assault occurred while a minor, until age 40
- To be informed by law enforcement of test results, such as DNA profile matches, from the examination kit if such information does not comprise or impede an investigation
- To receive notification from a law enforcement agency at least 60 days before a sexual assault evidence kit is disposed or destroyed
- To be granted preservation of an evidence kit for an additional 20 years if the survivor requests.

The legislation also requires the Alabama attorney general to create written notification, which will be distributed by law enforcement agencies, that notifies sexual abuse survivors of the aforementioned rights and provides information about:

- The availability and information of a sexual assault advocate
- The availability of protection orders and the process of securing them
- The policies regarding the preservation, storage, and disposal of a sexual assault evidence kit

- The process to request test results from an evidence kit or request its preservation
- The availability of state or federal compensation funds to cover medical costs, costs related to the case, or victim compensation and restitution payments.

Another provision within the measure instructs the attorney general to create a Sexual Assault Task Force, which will be comprised of law enforcement representatives, elected officials, victims' advocates, medical professionals and others.

The panel will be responsible for developing and implementing best practices regarding the care and treatment of sexual assault survivors and the preservation of evidence kits.

The task force will be required to consult with various stakeholder groups and individuals and must issue its final report and findings within two years of enactment of Brown's legislation.