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Testimony before the Senate Committee on Judiciary and Public Safety

State Senator André Jacque

January 22nd, 2020

Chairman Wanggaard and Members of the Senate Committee on Judiciary and Public Safety,

Thank you for holding this hearing on the Sexual Assault Survivor Bill of Rights. Tragically, every 92 seconds an American is sexually assaulted and 1 in 5 women in the US are raped within their lifetime. Representative Brandtjen and I have introduced SB 326 to ensure victims of sexual violence are accorded the dignity, respect, and ability to pursue the justice they deserve. With the enactment of this proposal, Wisconsin would become the 21st state to pass a Sexual Assault Survivor Bill of Rights. It increases transparency for the survivor, ensures that there would be no future backlog of kits to be tested for victims pursuing justice, and provides survivors with written and oral information about their rights.

This legislation was developed at the request of and in consultation with the national sexual assault victims group RISE and its state affiliate members, who will be testifying later today. We have also received very positive feedback from sexual assault centers, victim advocates, and law enforcement.

The Sexual Assault Survivor Bill of Rights adds the following rights for survivors of sexual assault beyond Wisconsin's existing victim/witness bill of rights:

- 1.) The right to be provided with accurate written information about his or her rights as a sexual assault victim.
- 2.) The right to choose whether or not to undergo a sexual assault forensic examination.
- 3.) The right to bathe immediately following a sexual assault forensic examination if facilities are available.
- 4.) The right to choose whether or not to cooperate with a law enforcement agency.
- 5.) The right to have any examination evidence stored for 50 years or until the end of the prison term of the person convicted of the assault against him or her.
- 6.) The right to be notified in writing 60 days prior to the destruction of any evidence obtained in a sexual assault forensic examination.
- 7.) The right of an individual cooperating with law enforcement to have their sexual assault kit tested within 90 days of collection.

The bill of rights also requires the Department of Justice to test the sexual assault kit of a person who is cooperating with law enforcement within 90 days of collection and requires DOJ to store all sexual assault kits for 50 years or until the end of the term of imprisonment or probation of a person convicted in the sexual assault case. This component of the legislation is critical to ensuring that there will be no future kit testing backlog. Eight states, (including our neighbor Michigan) as well as the District of Columbia already have a statutory requirement that sexual assault kits must be processed by at least 90 days from collection (Connecticut and Kentucky have 60 day testing requirement and Massachusetts has a 30 day testing requirement). The Wisconsin Department of Justice has indicated that it has the resources to meet this requirement if adopted.



JANEL BRANDTJEN

STATE REPRESENTATIVE • 22ND ASSEMBLY DISTRICT

*Testimony before the Senate Committee on Judiciary and Public Safety
State Representative Janel Brandtjen
January 22, 2020*

Chairman Wanggaard and Members of the Senate Committee on Judiciary and Public Safety,

Thank you for holding this hearing on SB 326, the Sexual Assault Survivor Bill of Rights. The trauma associated with such a violation of someone's personal privacy, human rights, and dignity can be overwhelming. The Sexual Assault Survivor Bill of Rights will set a standard of procedures and expectations for law enforcement and the courts.

The bill contains seven main points:

1. Victims of sexual assault have the right to access accurate information about victim rights.
2. They have the right to choose whether to undergo a sexual assault forensic investigation.
3. They have the right to bathe immediately following a forensic investigation.
4. They have the right to choose whether to cooperate with law enforcement.
5. They have the right to have any evidence stored for 50 years or until the end of the prison term if the offender is convicted.
6. They have the right to be notified in writing 60 days prior to the destruction of any evidence obtained in a forensic investigation.
7. Lastly, survivors have the right to have their sexual assault kit tested within 90 days of collection.

These seven victim rights, as explained by the bill, will go a long way in ensuring that victims of sexual assault are treated with respect and empathy. Understanding the emotions that these victims are experiencing, which may include embarrassment, fear, anger and guilt, along with depression and despair, is paramount to providing them with the compassion and care they need. Wisconsin would be the 21st state to pass a Sexual Assault Bill of Rights. I urge all of you to support the bill and give these victims the support they need.

Thank you,

A handwritten signature in black ink that reads "Janel Brandtjen". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

State Representative Janel Brandtjen
22nd Assembly District



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**PREPARED TESTIMONY OF OFFICE OF CRIME VICTIM SERVICES
DIRECTOR MICHELLE VISTE**

Senate Committee on Judiciary and Public Safety
Wednesday, January 22, 2020

Chairperson Wanggaard and Vice Chairperson Jacque,

Thank you for the opportunity to submit written testimony regarding 2019 Senate Bill 326. The Department of Justice (DOJ) provides this testimony for informational purposes only.

DOJ's Office of Crime Victim Services (OCVS) administers state and federal funding to programs that assist victims of crime, directly helps victims understand and exercise their crime victim rights, and works with allied professionals to enhance services to victims through training and public policy initiatives. In addition, OCVS staffs a Victim Resource Center to assist with questions about the rights afforded to victims and witnesses of crime as they move through the criminal justice process, and what to do if a victim or witness believes a right has been violated. One of OCVS's important responsibilities is supporting efforts that provide survivors of sexual assault with access to support services, programming, and resources.

We applaud and share the bill authors' goal of strengthening the support provided for survivors of sexual assault, and we appreciate the general direction of this well-intentioned proposal. However, DOJ believes that aspects of this proposal would benefit from input from a multi-disciplinary group that includes subject matter experts.

For example, like the bill authors, DOJ believes that critical evidence should be tested promptly. But legislation that is prepared with input from the Wisconsin State Crime Labs (WSCL) is more likely than legislation prepared without such input to be effective in facilitating the prompt testing of evidence. DOJ would welcome the opportunity to have one or more members of the staff at the WSCL speak to members

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of this committee about what additional investments in the WSCL could help reduce turnaround times for the testing of evidence.

DOJ also strongly supports efforts to improve access to sexual assault forensic examinations. Those examinations are important not only for evidentiary purposes but also for the health and wellness of survivors. However, the State of Wisconsin does not currently have a sexual assault nurse examiner (SANE) certification program. The only SANE certification for nurses in Wisconsin is through the International Association of Forensic Nurses. If a state-based certification program is established, DOJ would recommend that the Department of Health Services be involved in discussions about establishing such a program. DOJ also notes that, particularly in rural areas, provider shortages impact the accessibility of sexual assault forensic examinations. DOJ would appreciate the opportunity to have discussions with members of the committee about additional resources that would make it possible for every sexual assault survivor in Wisconsin to have access to a sexual assault examination conducted by a trained sexual assault nurse examiner.

Again, DOJ supports the goals of this legislation. But we believe that the incorporation of input from a multi-disciplinary group of subject matter experts could significantly improve it.

If you have any questions or would like any additional information, please contact Chris McKinny, Department of Justice Government Affairs Director, at (608) 224-9207 or McKinnyCJ@doj.state.wi.us.

Thank you for consideration of this testimony.

Wisconsin lawmaker proposes Sexual Assault Survivor Bill of Rights

Volume 90%

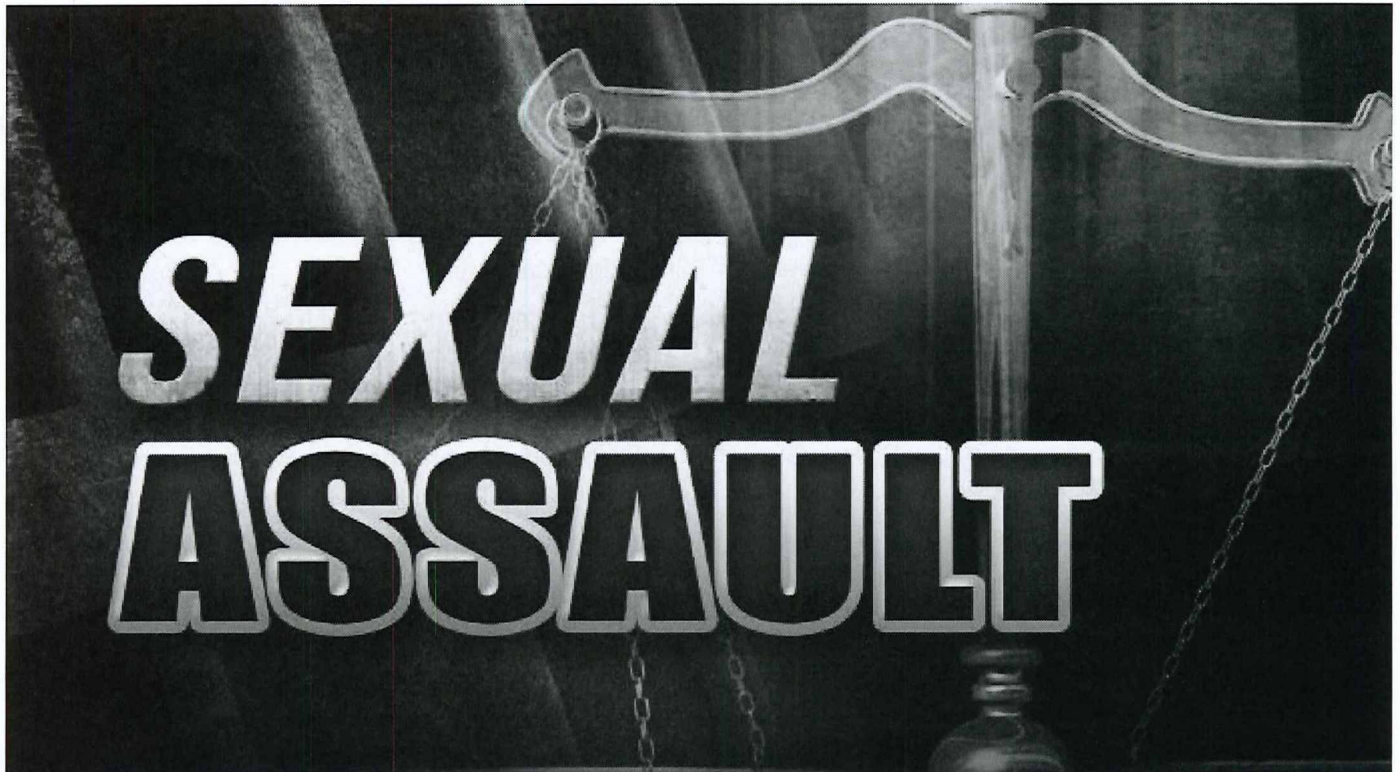
By [Sarah Thomsen](#) |

Posted: Tue 4:11 PM, May 21, 2019 |

Updated: Tue 10:45 PM, May 21, 2019



BROWN COUNTY, Wis. (WBAY) - Sexual assault survivors may soon be guaranteed more rights in Wisconsin.



A De Pere lawmaker is looking for co-sponsors for a Sexual Assault Survivor Bill of Rights. It would make Wisconsin the 21st state to adopt such a law.

[CLICK HERE](#) to read the bill.

"We have people calling or coming into our office all the time that, for whatever reason, everyone's situation is unique, that today's the day they want to report," says Samantha Bouressa, Program Supervisor, Sexual Assault Center.

In the first three months of 2019, the Sexual Assault Center in Brown County has served 434 victims, and helped 127 people during Sexual Assault Nurse Exams (SANE). The exams are taken immediately after a sexual assault.

Bouressa says arming survivors with a voice and knowledge is critical.

"I think what this bill does is it gives that sense of security to victims, to survivors, to know that going forward, they are being heard," says Sen. Andre Jacque (R-De Pere).

Sen. Jacque is proposing the survivor's bill. It includes a requirement that rape kits be tested within 90 days of being submitted.

Jacque says eight other states already do this.

"That could be potentially huge, because right now, the kits that are sent down are kind of prioritized," Bouressa says. "And so sometimes we have cases where it takes months to get back the results."

The bill also requires rape kits to be stored for 50 years.

Survivors must be notified in writing 60 days before evidence in a kit is destroyed.

"I think that's critical in terms of giving them that opportunity to come forward, or at least that awareness or the possibility of starting criminal proceedings," Sen. Jacque says.

Bouressa says, "A lot of what we do to help victims, especially in Brown County, is best practice, and it's what we decided would be best for victims. So putting it in law is really a big deal to ensure that victims, every victim, not only in Brown County, but everywhere in the state, are afforded these same rights."

Jacque anticipates introducing the Survivor Bill of Rights in June.

If you or someone you know is a victim of sex assault, [CLICK HERE](#) for a list of resources and hotlines.

Here are the items in the Survivors Bill of Rights (as provided by Sen. Jacque's office):

- The right to be provided with accurate written information about his or her rights as a sexual assault victim.
- The right to choose whether or not to undergo a sexual assault forensic examination.
- The right to bathe immediately following a sexual assault forensic examination if facilities are available.
- The right to choose whether or not to cooperate with a law enforcement agency.
- The right to have any examination evidence stored for 50 years or until the end of the prison term of the person convicted of the assault against him or her.
- The right to be notified in writing 60 days prior to the destruction of any evidence obtained in a sexual assault forensic examination.
- The right of an individual cooperating with law enforcement to have their sexual assault kit tested within 90 days of collection.

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