



# Ohio Legislative Service Commission

## Bill Analysis

Aida S. Montano

### H.B. 535

130th General Assembly  
(As Introduced)

**Reps.** Antonio, Foley, Ramos, Stinziano, Fedor, R. Hagan, Heard, Clyde

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## BILL SUMMARY

- Provides that all survivors of sexual assault deserve comprehensive and compassionate support following assault and lists 14 specific rights of such survivors.
- Provides that the act is to be known as the "Sexual Assault Survivors' Bill of Rights Act."

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## CONTENT AND OPERATION

### Sexual assault survivors' bill of rights

The bill provides that all survivors of sexual assault deserve comprehensive and compassionate support following the assault, including the right to each of the following:<sup>1</sup>

(1) The right to be treated with courtesy, compassion, and respect for the survivor's dignity and privacy and to suffer the minimum number of necessary inconveniences from the survivor's involvement with the medical and criminal justice systems;

(2) The right to have access to high-quality rape crisis services in the survivor's community that meet the core standards for rape crisis programs, including the right to have an advocate present during the medical exam and during interviews of the survivor by law enforcement;

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<sup>1</sup> R.C. 3727.61.

(3) The right to have access to comprehensive medical treatment that meets all of the survivor's physical and mental health recovery needs;

(4) The right to have access to, when necessary, measures to provide for the survivor's and survivor's family's safety and to protect the survivor and family from intimidation and retaliation;

(5) The right to information regarding the availability of criminal restitution, recovery of damages in a civil cause of action, the reparations fund, and other remedies and the mechanisms to obtain those remedies;

(6) The right to timely information about the survivor's participation in criminal proceedings including scheduling, progress, and ultimate disposition of proceedings;

(7) The right to have access to professionals in the criminal justice system who have been trained to provide trauma-informed care and to recognize and effectively address the unique needs and concerns of sexual assault survivors;

(8) The right to a hospital coordinator at every hospital in Ohio;

(9) The right to timely submission and processing of the sexual assault forensic evidence collection kit by law enforcement personnel and the right for adult survivors to have the kit collected in an anonymous process and held for a reasonable amount of time by law enforcement personnel;

(10) The right to a free medical exam following a sexual assault and the right to not be billed or charged for any forensic evidence collection costs during the exam;

(11) The right to be heard, believed, and not blamed by medical or legal professionals for being sexually assaulted, even if a survivor chooses not to move forward with the criminal justice process;

(12) If the survivor is a student, the right to an adequate response from the survivor's school or campus, as required under Title IX of the "Education Amendments of 1972," 20 U.S.C. 1681-1688, that acknowledges the survivor's needs, provides the survivor with accommodations, including the ability to take time off without academic penalty, and a judicial process that addresses policy violations that allows the survivor to continue the survivor's education in a safe environment;

(13) If the survivor is employed, the right to an adequate response from the survivor's employer that acknowledges the survivor's needs, protects the survivor's right to confidentiality, and provides the survivor with accommodations to help the survivor fully recover from the assault, including no penalties for time off from work to



undergo a forensic medical exam for the purpose of collection of evidence, file a police report, or attend court proceedings;

(14) The right to the privacy that the survivor needs to recover from the assault and for the media to agree to not disclose the name or identifying information about any survivor of any form of sexual violence, including sexual harassment.

### **Name of act**

The bill specifies that the act is to be known as the "Sexual Assault Survivors' Bill of Rights Act."<sup>2</sup>

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## **HISTORY**

<b>ACTION</b>	<b>DATE</b>
Introduced	05-13-14

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<sup>2</sup> Section 2.

