



# ANDRÉ JACQUE

STATE SENATOR • 1<sup>ST</sup> SENATE DISTRICT

Phone: (608) 266-3512

Fax: (608) 282-3541

Sen.Jacque@legis.wi.gov

State Capitol · P.O. Box 7882

Madison, WI 53707-7882

## *Testimony before the Assembly Committee on Criminal Justice and Public Safety*

*State Senator André Jacque*

*October 17<sup>th</sup>, 2019*

Chairman Spiros and Members of the Assembly Committee on Criminal Justice 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 AB 352 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 21<sup>st</sup> 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 • 22<sup>ND</sup> ASSEMBLY DISTRICT

*Testimony before the Assembly Committee on Criminal Justice and Public Safety  
State Representative Janel Brandtjen  
October 17th, 2019*

Chairman Spiros and Members of the Assembly Committee on Criminal Justice and Public Safety,

Thank you for holding this hearing on AB 352, 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 21<sup>st</sup> 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".

State Representative Janel Brandtjen  
22<sup>nd</sup> Assembly District



STATE OF WISCONSIN  
DEPARTMENT OF JUSTICE

Josh Kaul  
Attorney General

Room 114 East, State Capitol  
PO Box 7857  
Madison WI 53707-7857  
(608) 266-1221  
TTY 1-800-947-3529

PREPARED TESTIMONY OF OFFICE OF CRIME VICTIM SERVICES  
DIRECTOR MICHELLE VISTE

Assembly Committee on Criminal Justice and Public Safety  
Thursday, October 17, 2019

Chairperson Spiros and Co-Chair Sortwell,

Thank you for the opportunity to submit written testimony regarding 2019 Assembly Bill 352. 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

Prepared Testimony of Office of Crime Victim Services Director Michelle Viste  
Assembly Committee on Criminal Justice and Public Safety

Thursday, October 17, 2019

Page 2

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](mailto:McKinnyCJ@doj.state.wi.us).

Thank you for consideration of this testimony.