

As Introduced

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H. B. No. 535

Representative Antonio

Cosponsors: Representatives Foley, Ramos, Stinziano, Fedor, Hagan, R.,
Heard, Clyde

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A B I L L

To enact section 3727.61 of the Revised Code to
establish the Sexual Assault Survivors' Bill of
Rights.

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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 3727.61 of the Revised Code be
enacted to read as follows:

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Sec. 3727.61. All survivors of sexual assault deserve
comprehensive and compassionate support following the assault,
including the right to each of the following:

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(A) 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;

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

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

(E) 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;

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

(G) 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;

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

(I) 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;

(J) 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;

(K) 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 48
justice process; 49

(L) If the survivor is a student, the right to an adequate 50
response from the survivor's school or campus, as required under 51
Title IX of the "Education Amendments of 1972," 20 U.S.C. section 52
1681 through 1688, that acknowledges the survivor's needs, 53
provides the survivor with accommodations, including the ability 54
to take time off without academic penalty, and a judicial process 55
that addresses policy violations that allows the survivor to 56
continue the survivor's education in a safe environment; 57

(M) If the survivor is employed, the right to an adequate 58
response from the survivor's employer that acknowledges the 59
survivor's needs, protects the survivor's right to 60
confidentiality, and provides the survivor with accommodations to 61
help the survivor fully recover from the assault, including no 62
penalties for time off from work to undergo a forensic medical 63
exam for the purpose of collection of evidence, file a police 64
report, or attend court proceedings; 65

(N) The right to the privacy that the survivor needs to 66
recover from the assault and for the media to agree to not 67
disclose the name or identifying information about any survivor of 68
any form of sexual violence, including sexual harassment. 69

Section 2. This act shall be known as the "Sexual Assault 70
Survivors' Bill of Rights Act." 71