

1 HOUSE BILL NO. 79
2 INTRODUCED BY A. REGIER
3 BY REQUEST OF THE DEPARTMENT OF JUSTICE
4

5 A BILL FOR AN ACT ENTITLED: "AN ACT CREATING A SEXUAL ASSAULT RESPONSE NETWORK
6 PROGRAM WITHIN THE DEPARTMENT OF JUSTICE AND A SEXUAL ASSAULT RESPONSE TEAM
7 COMMITTEE AND ASSIGNING DUTIES; REQUIRING THE SEXUAL ASSAULT RESPONSE TEAM
8 COMMITTEE TO ADOPT EDUCATIONAL AND CLINICAL STANDARDS FOR SEXUAL ASSAULT NURSE
9 EXAMINERS; PROVIDING FOR A SEXUAL ASSAULT RESPONSE NETWORK PROGRAM COORDINATOR;
10 ESTABLISHING CERTAIN PAYMENT STANDARDS AND PROCESSES; REQUIRING PERIODIC REVIEW
11 OF THE STANDARDS AND PROCESSES; PROVIDING RULEMAKING AUTHORITY; PROVIDING
12 DEFINITIONS; AMENDING SECTIONS 5-11-222 AND 46-15-405, MCA; AND PROVIDING AN EFFECTIVE
13 DATE."

14
15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
16

17 NEW SECTION. Section 1. Sexual assault response network program. There is a sexual assault
18 response network program in the department of justice. The program, subject to the availability of appropriated
19 funds, consists of the agents and employees of the department whom the attorney general considers necessary
20 and appropriate, including the sexual assault response network program coordinator provided under [section 6].
21 The program has the duties provided under [section 4].
22

23 NEW SECTION. Section 2. Sexual assault response team committee. (1) There is a sexual
24 assault response team committee in the department of justice.

25 (2) The committee is allocated to the department of justice for administrative purposes only as
26 prescribed in 2-15-121.

27 (3) The committee has the ~~independent and quasi-judicial authority and~~ duties provided for in
28 [section 5]. The provisions of 2-15-124 do not apply.

Amendment - 1st Reading/2nd House-blue - (S) Judiciary

- 2023

68th Legislature 2023

Drafter: Madelyn Krezowski, (406) 444-6857

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- 1 (4) Committee members must be appointed by the Montana attorney general.
- 2 (5) Committee members shall serve at the pleasure of the appointing authority and for no longer
- 3 than 4 years without reappointment. Committee membership includes but is not limited to:
- 4 (a) at least one sexual assault nurse examiner;
- 5 (b) ~~a representative from the Montana hospital association~~ HOSPITAL ADMINISTRATOR;
- 6 (c) ~~a representative from the Montana nurses association~~ REGISTERED NURSE OR ADVANCED
- 7 PRACTICE REGISTERED NURSE;
- 8 (d) a telehealth affiliate or provider;
- 9 (e) a representative from a victim service provider or organization;
- 10 (f) a representative from a law enforcement agency;
- 11 (g) a county attorney representative or designee;
- 12 (h) a member from the department of justice forensic sciences division;
- 13 (i) a member from the department of justice state attorney's office;
- 14 (j) a member from the department of justice information technology service desk; ~~and~~
- 15 (k) a representative of the office of state public defender; AND
- 16 (L) A MEMBER WITH A TRIBAL AFFILIATION *who has experience working with indigenous survivors.*
- 17 (6) Each member is entitled to reimbursement of travel expenses incurred while in performance of
- 18 committee duties by the department of justice as provided for in 2-18-501 through 2-18-503.
- 19 (7) A vacancy must be filled in the same manner as the original appointment.

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21 NEW SECTION. Section 3. Definitions. As used in [sections 1 through 7], unless the context clearly

22 indicates otherwise, the following definitions apply:

- 23 (1) "Committee" means the sexual assault response team committee established in [section 2].
- 24 (2) "Department" means the department of justice.
- 25 (3) "Program" means the sexual assault response network program established in [section 1].
- 26 (4) "SANE" or "sexual assault nurse examiner" means a registered nurse with education and
- 27 training in conducting forensic examinations of sexual assault victims.
- 28 (5) "SANE program" means a program that meets the requirements prescribed by the department

1 of justice under [section 4].

2 (6) "Sexual assault" means a criminal offense that involves sexual contact or sexual intercourse as
3 those terms are defined in 45-2-101.

4 ~~(6)~~(7) "Sexual assault response team" means a multidisciplinary team of specially trained members of
5 health care, law enforcement, prosecution, and advocacy that work together to provide coordinated health care
6 and advocacy services to victims of sexual assault, while investigating sexual assault cases for the purpose of
7 criminal prosecution.

8 ~~(7)~~(8) "teleSANE" means the use of audio, video, or other telecommunications technology or media,
9 including audio-only communication, to provide remote, real-time support by an off-site qualified provider to
10 both the on-site nurse and the patient to ensure best practices, proper evidence collection, and a supportive
11 environment.

12
13 NEW SECTION. Section 4. Sexual assault response network program -- establish -- general
14 powers and duties. (1) The sexual assault response network program established under [section 1] will
15 support efforts to provide uniform sexual assault evidence kit distribution and handling, coordinate a
16 comprehensive, trauma-informed response to survivors of sexual violence, provide discipline-based training
17 and technical assistance for sexual assault responders in accordance with national and state best practices and
18 local laws, and advance access to quality sexual assault forensic examinations and care through teleSANE
19 innovations.

20 (2) The department of justice shall adopt rules to establish:

21 (a) minimum standards of sexual assault care;

22 (b) minimum standards to operate a SANE program; and

23 (c) the operation and designation of SANE programs.

24 (3) The program's powers and duties include but are not limited to:

25 (a) coordinating with the sexual assault response team committee;

26 (b) conducting ongoing adult, adolescent, and pediatric didactic and clinical sexual assault nurse
27 examiner training for medical professionals;

28 (c) recruiting and organizing sexual assault nurse examiner trainers to increase in-state training