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Sexual Assault Victims' Bill of Rights

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House Bill 3111

The West Virginia Legislature House Bill 3111, if passed, would establish a Bill of Rights of sexual assault victims and would define sexual assault as the continuation of vaginal intercourse after consent has been withdrawn.

Support of this Bill

I agree with the contents of this bill as it supports victims of sexual assault and the process of justice. I believe that this bill should be passed.

Preserve Capabilities of Future Legal Action

Passing this bill would preserve the capabilities of legal action in the future by giving the victim the right to have the evidence from their forensic examination preserved for up to 10 years. DNA testing/profiling began being used in criminal investigations in the 1980s, but it only worked if the samples were not contaminated or degraded which often times they weren't. It was only much later when a technique called PCR (polymerase chain reaction) was employed that even fragments could be used to identify a suspect. Preserving evidence that could not be analyzed of for a case that had not been solved would allow for new forensic techniques to be developed that could then analyze the evidence and/or solve the case.

Summary Statement

I do not believe it would be difficult to pass and implement this bill. The rights which would require action on part of the investigators and forensic scientists are actions that are already being done and are actions the professionals are already trained to do. It would be important for police and investigators to be aware of the victim's rights to inform the victim if they are not aware of their rights. Should this bill be passed, the rights described should also be covered by sexual assault awareness groups and conferences to further educate people and victims of the rights of sexual assault victims.



To Not Further the Victim's Traumatic Experience

The bill of rights described would make sure that the victim's traumatic experience does not extend past the actual assault. After having just been violated by another person, most likely the victim would have an aversion to a stranger touching them or interacting with their private areas, which would be necessary for a forensic medical examination to be conducted. This bill would give the victim the right to say yes or no to a forensic examination and the right to have a representative of their choice accompany them to all examinations and proceedings. This would make sure the victim is as comfortable as possible after such a traumatic event.

Give the Victim Agency in the Legal Process

The bill of rights outlined in this bill would give victims of sexual assault agency in the legal process of their case. Again, the victims have just been through a traumatic experience in which they most likely felt powerless. This bill and the rights listed allow the victim to be informed of the results of their forensic examination, and with this knowledge, they would have the power to make an informed decision on how they want their case to proceed. As a future forensic scientist, it is in our code of ethics to be able to report our findings in unambiguous terms to all parties involved and the victim would qualify as one of those parties. It would be against our code to deny the victim this right.