



**San Diego County Sheriff**

**Training Bulletin**

**William D. Gore, Sheriff**

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### **AB 1312: SEXUAL ASSAULT VICTIMS RIGHTS**

California Assembly Bill 1312 was recently enacted to amend California Penal Code Sections 264.2, 679.04, 13823.11 and 13823.95, and to add Section 680.2. These Penal Code sections concern the rights related to sexual assault victims. This bill requires a law enforcement authority or district attorney to notify the victim that he or she has the right to request to have a person of the same gender or opposite gender as the victim present in the room during any interview with a law enforcement official or district attorney, unless no such person is reasonably available. The bill prohibits a law enforcement official from discouraging a victim from receiving a medical evidentiary or physical examination.

AB 1312 requires every local law enforcement agency to develop a card, as specified, that explains the rights of sexual assault victims, including, among other information, a clear statement that the victim is not required to participate in the criminal justice system or to receive a medical evidentiary or physical examination in order to retain his or her rights under law. The bill requires a law enforcement official or medical provider to provide this card to the victim upon the initial interaction. The bill also requires a law enforcement official, upon written request by the victim, to furnish a copy of the initial crime report related to the sexual assault. (This information is provided on the Sheriff's Department PAT-26 Form, which will be amended to include specific requirements of AB 1312.)

AB1312 would also require a medical provider to give the victim the card developed by local law enforcement agencies, described above, before the commencement of any initial medical evidentiary or physical examination arising out of a sexual assault if the law enforcement agency has provided the card to the medical provider in a language understood by the victim. It requires the medical provider to give the victim the opportunity to shower or bathe, at no cost to the victim, after the examination is conducted, unless a showering or bathing facility is not available.

The bill prohibits a law enforcement agency from destroying or disposing of rape kit evidence or other crime scene evidence from an unsolved sexual assault case before at least 20 years, or if the victim was under 18 years of age at the time of the alleged offense, before the victim's 40th birthday.

All Sheriff's personnel should also review and be familiar with the new laws in their entirety. The sections can be found at the following link:

[https://leginfo.ca.gov/faces/billTextClient.xhtml?bill\\_id=201720180AB1312](https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB1312)

The information in this Training Bulletin was provided by Sheriff's Department Family Protection Detail, Lieutenant Michael Blevins and edited for distribution by the In-Service Training Unit. If you have expertise in a particular subject and would like to write a training bulletin, please contact Corporal Michael Cruz at In-Service Training, [REDACTED]