

KANSAS OFFICE *of*  
**REVISOR *of* STATUTES**

LEGISLATURE *of* THE STATE *of* KANSAS  
*Legislative Attorneys transforming ideas into legislation.*

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**MEMORANDUM**

To: House Committee on Judiciary  
From: Office of Revisor of Statutes  
Date: February 8, 2022  
Subject: Bill Brief on HB 2536

HB 2536 provides sexual assault survivors with certain rights.

The bill would enact a new section of law providing that survivors of sexual assault have the right to consult with a sexual assault counselor and have a support person of the survivor's choosing present during any medical or physical examination or an interview by law enforcement or an attorney. Before a medical provider performs a medical evidentiary or physical examination, including the collection of a sexual assault evidence kit, the medical provider shall inform the survivor of (1) the survivor's right by providing the survivor with a document created by the attorney general describing those rights (2) the survivor's right to consult with a sexual assault counselor unless one is not available in a timely manner and the right to have a support person present, (3) the ramifications of delaying an examination if a sexual assault counselor or support person cannot be available in a timely manner, and (4) the right to shower at no cost after the examination unless shower facilities are not available.

Before a law enforcement officer, prosecutor or defense attorney interviews a survivor, such officer or attorney shall inform the survivor of the (1) bill of rights for crime victims under the crime victims compensation board, (2) right to consult with a sexual assault counselor to be called by the officer or attorney before the interview unless one is not available, (3) right to have a support person available during the interview unless the officer or attorney determines the presence of such person would be detrimental to the interview and the person consents to the absence of the support person, and (4) right to have an interview conducted by a law enforcement officer who is the gender of the survivor's choosing unless no officer of that gender is available and the survivor consents to being interviewed by an officer of another gender.

When a law enforcement officer or medical provider initially interact with a survivor such officer or provider shall provide the survivor with a document developed by the attorney general that explains the rights of the survivor. Such document shall use plain language, be accessible to persons with visual disabilities and be available in English and Spanish on the attorney general’s website. The document shall include (1) a clear statement that the survivor is not required to participate in the criminal justice system or receive an examination, (2) the telephone number or website of nearby sexual assault service providers and counselors, (3) forms of protection available including protection orders, and (4) information related to compensation funds and restitution. On the written request of a survivor, a law enforcement officer shall furnish a complete copy of all law enforcement reports concerning the sexual assault free of charge. Also on the written request of a survivor, a prosecutor shall provide notice of any pretrial disposition in the case, the final disposition and time and place of incarceration, if any, a defendant’s location, and a defendant’s information on the offender registry.

Subsection (e) provides that a survivor has the right to have retained counsel present during all stages of any examination, interview, investigation or interaction with the legal or criminal justice system. Subsection (f) provides that a survivor who is aggrieved by a violation of this section shall have a civil cause of action against a person or entity that violates this section and can bring an action in an appropriate district court for injunctive or other equitable relief. Subsection (g) provides definitions of “sexual assault counselor” and “survivor”.