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April 10, 2019

Senator Pat Spearman  
Senator David Parks  
Carson City, Nevada

Dear Senators Spearman and Parks,

The Joyful Heart Foundation strongly supports S.B. 368, which would establish the Sexual Assault Victims' DNA Bill of Rights and reform the statute of limitations for sexual assault.

Every 98 seconds, someone is sexually assaulted in the United States. In the immediate aftermath of a sexual assault, a victim may choose to undergo a medical forensic examination to collect DNA evidence left behind in the assault. A doctor or nurse will conduct the examination, which can last between four and six hours. The examiner collects and preserves this evidence in a sexual assault evidence kit, often referred to as a rape kit.

Most survivors, after leaving the hospital, are never contacted about the status of their rape kit. Our 2016 research in victim notification found that, for survivors who want to know about their case, not having access to such information could severely hamper recovery. Survivors in our study strongly asserted that information about their case "belongs" to them and limiting access to information is "unacceptable and misguided." Access to information about the status and location of their rape kits can help survivors counter the loss of self-determination and control that is often at the core of a sexual assault experience.

S.B. 368 grants survivors critical rights. Under this bill, law enforcement agencies would, upon request, inform the victim of the status of the testing of their rape kit. Subject to sufficient resources to respond to requests, victims have the right to be informed if a DNA profile was obtained from their rape kit, if a profile was uploaded to the state DNA database, and if there is a DNA match to a profile in the state DNA database. Law enforcement agencies would be responsible for providing this information in a timely manner. We recommend the legislature consider removing conditions of sufficient resources for survivors of sexual assault to be granted rights to know about the

status of their kit.

Additionally, Joyful Heart strongly supports the provisions of S.B. 368 that reform the civil and criminal statute of limitations for sexual assault. The bill would eliminate the civil statute of limitations for child sexual assault. Current law specifies that a civil action must be commenced within 20 years of the person's 18th birthday, or "discovers or reasonably should have discovered that his or her injury" was the result of the abuse, whichever is first. The bill also

eliminates the time period under which charges may be filed. Current law requires charges to be brought within 20 years.

Sexual assault is a crime with a lifelong, profound impact on survivors. Our laws must be responsive to the reality that surrounds this crime: it is difficult for survivors of child sexual abuse to come forward, and it may be decades before a survivor connects the struggles they have with their abuse.

Survivors of childhood sexual abuse must be given a path to hold their offenders accountable and recover damages in civil court. They should not be forced to incur the costs of the abuse while the offender escapes liability. Civil suits allow survivors to reclaim monetary losses they have incurred, such as paying for health problems, counseling, and drug or alcohol treatment related to the abuse. This bill will keep the door open to justice and prevent further crimes by eliminating the statute of limitations for sexual assault.

We also strongly support eliminating the time limitation for which a rapist can be held criminally responsible for their crime. More than two-thirds of rapes are never reported to police, and sex offenders are less likely to go to prison than those who commit crimes such as battery or robbery. Yet, our laws too often let rapists escape responsibility when the statute of limitations, often set arbitrarily, runs out. Rapists should not be able to evade legal consequences and accountability because of the passage of time.

The Joyful Heart Foundation thanks you for your efforts to bring justice and healing to all sexual assault survivors in Nevada and stands ready to assist you in passing this bill.

Sincerely,

A handwritten signature in black ink, reading "Ilse Knecht". The script is fluid and cursive, with the first letters of "Ilse" and "Knecht" being capitalized and prominent.

Ilse Knecht  
Director, Policy and Advocacy  
The Joyful Heart Foundation