

a sexual assault survivor has the following rights:

(1) The right not to be prevented from, or charged for, receiving a medical forensic examination.

(2) The right to—

(A) subject to paragraph (3), have a sexual assault evidence collection kit or its probative contents preserved, without charge, for the duration of the maximum applicable statute of limitations or 20 years, whichever is shorter;

(B) be informed of any result of a sexual assault evidence collection kit, including a DNA profile match, toxicology report, or other information collected as part of a medical forensic examination, if such disclosure would not impede or compromise an ongoing investigation; and

(C) be informed in writing of policies governing the collection and preservation of a sexual assault evidence collection kit.

(3) The right to—

(A) upon written request, receive written notification from the appropriate official with custody not later than 60 days before the date of the intended destruction or disposal; and

(B) upon written request, be granted further preservation of the kit or its probative contents.

(4) The right to be informed of the rights under this subsection.

(b) APPLICABILITY.—Subsections (b) through (f) of section 3771 shall apply to sexual assault survivors.

(c) DEFINITION OF SEXUAL ASSAULT.—In this section, the term “sexual assault” means any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks capacity to consent.

(d) FUNDING.—This section, other than paragraphs (2)(A) and (3)(B) of subsection (a), shall be carried out using funds made available under section 1402(d)(3)(A)(i) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(d)(3)(A)(i)).¹ No additional funds are authorized to be appropriated to carry out this section.

(Added Pub. L. 114-236, §2(a), Oct. 7, 2016, 130 Stat. 966.)

Editorial Notes

REFERENCES IN TEXT

Section 1402(d)(3)(A)(i) of the Victims of Crime Act of 1984, referred to in subsec. (d), is section 1402(d)(3)(A)(i) of chapter XIV of title II of Pub. L. 98-473, which was classified to section 10601(d)(3)(A)(i) of Title 42, The Public Health and Welfare, prior to editorial reclassification as section 20101(d)(3)(A)(i) of Title 34, Crime Control and Law Enforcement.

PRIOR PROVISIONS

A prior section 3772, acts June 25, 1948, ch. 645, 62 Stat. 846; May 24, 1949, ch. 139, §60, 63 Stat. 98; July 7, 1958, Pub. L. 85-508, §12(7), 72 Stat. 348; Mar. 18, 1959, Pub. L. 86-3, §14(h), 73 Stat. 11; Oct. 12, 1984, Pub. L. 98-473, title II, §206, 98 Stat. 1986, related to procedure

¹ See References in Text note below.

after verdict, prior to repeal by Pub. L. 100-702, title IV, §§404(a), 407, Nov. 19, 1988, 102 Stat. 4651, 4652, effective Dec. 1, 1988.

PART III—PRISONS AND PRISONERS

Table with 2 columns: Chap. and Sec. containing sections 301-319 and their corresponding section numbers.

Editorial Notes

AMENDMENTS

1990—Pub. L. 101-647, title XXXV, §3597, Nov. 29, 1990, 104 Stat. 4931, added items 306 and 319.
1984—Pub. L. 98-473, title II, §218(d), Oct. 12, 1984, 98 Stat. 2027, in items 309, 311, and 314 substituted “Repealed” for “Good time allowances”, “Parole”, and “Narcotic addicts”, respectively.
Pub. L. 98-473, title II, §403(b), Oct. 12, 1984, 98 Stat. 2067, substituted “Offenders with mental disease or defect” for “Mental defectives” in item 313.
1966—Pub. L. 89-793, title VI, §603, Nov. 8, 1966, 80 Stat. 1450, added item 314.

CHAPTER 301—GENERAL PROVISIONS

Table with 2 columns: Sec. and text describing provisions 4001-4014.

Editorial Notes

AMENDMENTS

1998—Pub. L. 105-370, §2(b), Nov. 12, 1998, 112 Stat. 3375, added item 4014.
1988—Pub. L. 100-690, title VII, §7608(d)(2), Nov. 18, 1988, 102 Stat. 4517, added item 4013.
1984—Pub. L. 98-473, title II, §1109(e), Oct. 12, 1984, 98 Stat. 2148, added item 4012.
1971—Pub. L. 92-128, §1(c), Sept. 25, 1971, 85 Stat. 347, substituted “Limitation on detention; control of prisons” for “Control by Attorney General” in item 4001.
1966—Pub. L. 89-554, §3(e), Sept. 6, 1966, 80 Stat. 610, added items 4010 and 4011.

§ 4001. Limitation on detention; control of prisons

(a) No citizen shall be imprisoned or otherwise detained by the United States except pursuant to an Act of Congress.