

H.R. 16

To require the Attorney General to develop model legislation for the States to assure confidentiality of communications between victims of sexual assault or domestic violence victims and their counselors, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES

August 10th, 2022

Mr. Jones (for himself) introduced the following:

A BILL

To require the Attorney General to develop model legislation for the States to assure confidentiality of communications between victims of sexual assault or domestic violence victims and their counselors, and for other purposes.

Be it enacted by the House of Representatives and Senate of the United States assembled,

SECTION 1. SHORT TITLE.

(a) This act may be cited as the “Victim Counseling Protection Act” or the VCPA.

SEC. 2. SENSE OF THE HOUSE

It is the sense of the House that –

- (a) counseling programs for victims of sexual assault and domestic violence, in which therapists and trained counselors help victims cope with the trauma of these crimes and recover from their debilitating effects, serve the valuable dual goals of promoting the emotional and physical well-being of victims and ensuring the reporting and prosecution of such crimes;
- (b) such counseling programs, at the rape crisis centers and elsewhere, can achieve these benefits only if the victims have an expectation that the records of the counseling sessions will be kept confidential, because otherwise victims fail to develop the relationship of trust with their counselors that is essential to effective treatment or decline to participate in counseling programs altogether;
- (c) States have adopted a variety of approaches to protecting the confidentiality of communications between victims of sexual assault or domestic violence and their counselors, including the creation of an absolute privilege for such communications, qualified privileges that allow defendants in criminal cases to obtain such communications in certain circumstances and subject to certain procedures, and balancing tests that weigh the probative value of such communications against the effects of disclosure on the victim and the treatment relationship.

SEC. 3. REPORT AND DEVELOPMENT OF MODEL LEGISLATION.

(a) Study and Development of Model Legislation. –

(i) The Attorney General shall –

- (1) study and evaluate the manner in which the States have taken measures to protect the confidentiality of communications between sexual assault or domestic violence victims and their therapists or trained counselors;
- (2) develop model legislation that will adequately protect the confidentiality of such communications; and
- (3) prepare and disseminate to State authorities the findings made as a result of the study and evaluation.

(b) Report. – Not later than 1 year after the date of enactment of this Act, the Attorney General shall report to the Congress the findings of the study and evaluation required by this section and the need for and appropriateness of further action by the Federal Government.

SEC. 4 REVIEW OF FEDERAL EVIDENTIARY RULES.

- (a) Not later than 1 year after the date of enactment of this Act, the Judicial Conference shall complete and submit to Congress a study evaluating whether to guarantee that the confidentiality of communications between sexual assault victims and their therapists or trained counselors will be adequately protected in Federal court proceedings.

SEC. 5. ENACTMENT.

This Act is given force immediately upon passage.
