



House Bill 13-1163 Fact Sheet

Sexual Assault Victim Emergency (SAVE) Payment Program

Sponsored by Rep. Kagan and Sen. Aguilar

What Does the Bill Do?

Sexual assault victims are often responsible for large medical bills simply for receiving necessary medical care and treatment associated with obtaining a medical forensic exam. This bill helps compensate some victims of sexual assault for some medical costs incurred as a result of getting a medical forensic exam following a sexual assault.

Why Is This Fund Necessary?

- Under both state and federal law, victims must be able to receive a medical forensic exam (with no cost for the evidence collection portion) without participating in the criminal justice system (C.R.S. 18-3-407.5; 42 U.S.C. § 3796gg-4(d)). However, in Colorado, any associated medical costs are not free and are the sole responsibility of victims.
- The ability to pay should not limit sexual assault victims' access to necessary medical care and treatment related to the assault.
- If victims are concerned about medical costs, they are less likely to get evidence collected. If a victim makes the decision to work with the criminal justice system in the future, the evidence initially collected may be essential to the investigation, apprehension of the offender, and criminal prosecution.
- Prompt medical care for victims contributes to better physical and mental health. Access to prompt medical care may reduce the number of significant health consequences following the sexual assault.

Are Sexual Assault Victims Eligible for Crime Victim Compensation Funds?

Victim Compensation funds exist to help crime victims with many costs related to the crime, including medical costs. However, victims who initially choose to not participate in the criminal justice system are not automatically eligible for Victim Compensation. An initial decision to not participate with law enforcement, allowable by law, should not limit medical care and treatment for sexual assault victims.

Why Would a Sexual Assault Victim Not Participate with the Criminal Justice System?

There are many reasons why a victim of a sexual assault may want a medical forensic exam but not want to initially participate in the investigation of the case. These reasons may include, but are not limited to: intimidation by the offender's position, power, or social status, concerns for safety, embarrassment and shame, fear of not being believed, and/or being blamed for the crime.

How Will the Fund Work?

- To be eligible for the fund, the victim must have been assaulted in Colorado and received a sexual assault medical forensic examination.
- The Division of Criminal Justice (DCJ), Office for Victims Programs will administer the SAVE Payment Program. DCJ already administers the payment for forensic evidence collection for sexual assault victims initially choosing to not participate in the criminal justice system.
- Costs are limited to the medical procedures related directly to the sexual assault, with a cap per victim.

What Are the Initial Medical Costs of Being a Sexual Assault Victim?

Medical forensic exams have two components: medical care and evidence collection.

Costs Associated with Medical Care	Costs Associated with Evidence Collection
All Sexual assault victims/survivors <u>are</u> responsible for medical care costs related to obtaining the medical forensic exam. However, victims who report the crime to Law Enforcement are eligible for Victim Compensation. Victims who are not working with the Criminal Justice system at the time of medical care are not eligible for these funds.	Under Colorado law, all sexual assault victims/survivors <u>do not pay</u> for the evidence collection portion of a medical forensic exam. The evidence collection portion of the exam ranges from \$250 to \$700 depending on the hospital. ⁱ
Fees associated with a medical forensic exam can range from \$500 to \$1,500 ⁱⁱ per victim/survivor with no physical injuries from the assault. Victims/Survivors often pay: Emergency Department fees, physician fees, fees for medications such as prophylaxis to prevent sexually transmitted infections, laboratory fees, and the cost of medical supplies used during care and treatment.	Local law enforcement pays the evidence collection cost for “law enforcement reporting” victims – those victims who initially participate in the Criminal Justice system.
The 20% to 30% of victims who have physical injuries from their assault incur additional fees such as radiology, specialist consultation, and medical treatment for those injuries. These fees range widely depending on the injuries and the hospital and can be significant.	The Colorado Division of Criminal Justice, using federal funds, pays the evidence collection cost for “medical reporting” victims – those victims who initially decide not to participate in the Criminal Justice system.

Do other States have similar funds?

Yes! The majority of jurisdictions around the nation provide for partial or complete payment of a sexual assault victim’s health care costs. Thirteen states cover the costs of pregnancy tests and sixteen states cover costs of medications prescribed following the forensic examination. Ten states pay hospital and emergency room fees.ⁱⁱⁱ

Endorsers: Colorado Coalition Against Domestic Violence, Colorado Division of Criminal Justice, We Are Women Colorado, Women’s Lobby of Colorado

For more information please contact: Karen Moldovan, Colorado Coalition Against Sexual Assault, advocacy@ccasa.org, 303-839-9999 or Annmarie Jensen, Jensen Public Affairs, ajgovtrelations@gmail.com, 720-999-4765.

ⁱ These figures are based on an informal survey of hospitals throughout Colorado.

ⁱⁱ These figures are based on a small, random sample of emergency department bills for medical forensic exams, including the forensic evidence collection cost and other, associated medical costs.

ⁱⁱⁱ *AEquitas: The Prosecutors’ Resource on Violence Against Women, Summary of Laws & Guidelines Payment of Sexual Assault Medical Forensic Examinations.*