EXHIBIT 2
DATE 3/14/05
HB 577

HB 577 Appropriate money to fund rape kits and examinations
Sponsor: Rep. McAlpin

1. Delayed reporting is a reality of sexual assault. It is also true that immediate reporting results in the best evidence. HB 577 takes these two facts into consideration in creating a "Jane Doe" option for victims of sexual assault.

2. Currently, only those victims who say at the time of receiving medical attention that they are reporting the crime receive forensics exams (rape kits). Local law enforcement pays for these exams. If a victim is reluctant to report or is too upset at the time to make the decision, no evidence is collected. However, 25 – 33% of victims do report 24 hours to a month (25% within a week) after the attack or after receiving medical attention.* **

3. HB 577 creates a second option for victims. If at the time of receiving medical attention a victim declines reporting to law enforcement, the victim can be offered the "Jane Doe" option. This option allows her to have the forensics exam done and then the evidence is saved for 30 days. She will be referred to sexual assault advocates who can support her in moving through the decision-making process and the process of reporting. If the victim chooses not to report the assault, the cost of the exam will paid by the Office of Victim Services and Restorative Justice from the fund created by HB 577 (reimbursement rates to hospitals will be capped at $600). If she reports, by law, the cost of the forensics exam is covered by local law enforcement.

4. We know immediate reporting is best and makes for the most prosecutable cases. Advocates inform victims of this fact. But the dynamics of sexual assault are such that delayed reporting is not uncommon. The system wants us to fix the rape victims so they fit better with the realities of the system. With this legislation, we're trying to adjust the process to take in the realities and dynamics of sexual assault and its impact on victims. We believe this will bring another whole group of victims into the reporting category.

5. This bill requests $61,000, $11,000 to pay for rape kits which will include instructions for the new protocol, including the Jane Doe option. Currently, local law enforcement pays for the rape kits used by local hospitals for forensics exams. This bill seeks to centralize the system so that all rape kits are current and have the most current protocols included.

6. $50,000 will be used as a fund for reimbursing hospitals for those exams not covered by local law enforcement.

* Lindsay, Suzanne Parker, Ph.D., 1998, University of CA, San Diego, An Epidemiologic Study of the Influence of Victim Age and Relationship to the Suspect on the Results of Evidentiary Examinations and Law Enforcement Outcomes in Cases of Reported Sexual Assault, 1998.
**In Missoula and Billing a victim who does not wish to report may be offered a forensics exam, but law enforcement will not reimburse if the victim is not reporting.

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