SENATE FINANCE AND CLAIMS
EXHIBIT NO. 12
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BILL NO. HB 577

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

One of every 3 women will be sexually assaulted in her lifetime. Less than 1/3 of those assaults will be reported, and of those reported, only around 16% results in a conviction and jail time. Out of pocket costs to rape victims annually is $127 billion.

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 who report do so 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. The bill doesn't say "Jane Doe" in it, but that's what we call the option created by the bill as HB 577 creates the option for a victim have the forensics exam done, it is numbered, 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). The Office of Victim Services and Restorative Justice have agreed to do this without an admin charge. If the victim reports, by law, the cost of the forensics exam is covered by local law enforcement.

The process we're proposing is one we all can relate to and understand. While everyone in this room probably hasn't helped someone in the level of a trauma as a rape victim, we've all tried to help someone who was scared. We help them take the next step. We isolate the next step in order to make it manageable. Take the exam. It'll be paid for one way or the other. Then, maybe four days later with the support of a spouse, or family, or a friend that person feels she can do it. Perhaps through working with a victim advocate, the process becomes less threatening. Maybe she meets someone it happened to, too, and she feels resolve to try to keep it from happening to someone else. The reporting came four days late, but the evidence was collected earlier.

Data will be collected. We'll know who used the option and never reported and who used the option and did. You will know in 2 years whether or not this led to better reporting and better prosecutions.

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. If each exam maxed out the cap at $600, this would cover 83 exams. We do not expect each exam would max out at $600, so we'll probably cover up to a dozen more. If we were to cover every rape victims currently not reporting who seeks medical attention, we would be covering 600-640 victims a biennium at a cost of in the neighborhood of $375,000 - $400,000 for the biennium. But we do not think every victim currently not reporting will take the option, and hopefully, many that do will choose to report, which results in law enforcement paying for the exam. $50,000 is a modest sum that will allow us to get an idea of the effectiveness of the option.

* 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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