

Payment for Sexual Assault Exams When the Assault Occurs in One State but the Exam Occurs in a Different State

This fact sheet explains who pays for a sexual assault exam when the victim is assaulted while visiting one state but undergoes a sexual assault exam in her/his home state of Minnesota.

In Minnesota, who pays for a sexual assault exam if the sexual assault occurs and the exam is performed in Minnesota?

- Under Minnesota law, the costs incurred for a sexual assault exam are paid for by the county where the assault occurred. See Minnesota Statute § 609.35.
- The county can seek reimbursement from the victim's insurance only if authorized to do so by the victim.
- Authorization to contact the victim's insurance company can only be sought after the exam is performed.
- When seeking authorization, the county must inform the victim that if s/he does not authorize insurance coverage, the county is required by law to cover the costs of the examination.

What costs does the Minnesota county cover?

Costs covered by the county include, but are not limited to:

- Full costs of the rape kit exam;
- Pregnancy tests; and
- Tests related to the complainant's sexually transmitted disease or infection (STD/STI) status.

If a victim is sexually assaulted while visiting another state, but does not undergo a sexual assault exam until returning to

- Under Minnesota law, Minnesota will only pay for a sexual assault exam if the assault occurred in Minnesota.
- Thus, if a Minnesota resident is assaulted in another state but the sexual assault exam takes place in Minnesota, the victim must still apply in the state where the assault occurred for compensation.
- See below for examples of who pays for rape kit exams under the laws

Minnesota, who pays for the exam?

of different states.

If the assault occurred in Iowa, does Iowa pay for a sexual assault exam performed in Minnesota?

- Yes, in Iowa the cost of a sexual assault exam to gather evidence and prevent STD/STIs is paid for through Iowa's Crime Victim Compensation Program.
- The Compensation Fund provides compensation (1) to victims of crimes that *occur in Iowa* and (2) to victims of out-of-state crimes committed against Iowa residents if the state where the crime was committed does not have similar provisions.
- <https://www.iowaattorneygeneral.gov/for-crime-victims/sexual-assault-examination-payment-program>

Is a sexual assault victim who is not a resident of Iowa, a "victim" for the purposes of Iowa's program?

- Yes, a "victim" is defined as a petitioner or person who is the victim of a sexual assault occurring in Iowa.
- There is no differentiation made between victims who are residents and non-residents of Iowa.

What requirements must a sexual assault victim meet to apply for Iowa's program?

- The sexual assault must occur in Iowa.

If the assault occurred in North Dakota, who pays for a sexual assault exam in Minnesota?

- In North Dakota, the cost of a sexual assault exam for an assault that occurred in North Dakota is paid for through North Dakota's Crime Victim's Compensation fund (CVC).
- <https://docr.nd.gov/victims-services/crime-victims-compensation>

Is a sexual assault victim who is not a resident of North Dakota, a "victim" for the purposes of the CVC?

- Yes. "Victim" is defined as a "person who suffers bodily injury of death as a result of criminally injurious conduct, the good faith effort of any person to prevent criminally injurious conduct, or the good faith effort of any person to apprehend a person suspected of engaging in criminally injurious conduct." NDCC 54-23.4-01.

Are there requirements the victim of a sexual assault that occurred in North Dakota must meet in order to be eligible for CVC?

- A victim is only eligible for compensation from North Dakota if the assault is reported to a law enforcement officer within 96 hours after its occurrence or good cause is found for the victim's delayed reporting.
- It is recognized that sexual assault victims often take longer than 96 hours to report an assault and are encouraged to apply for CVC regardless.

If the assault occurred in South Dakota, who pays for a sexual assault exam in Minnesota?

- In South Dakota, if a hospital, physician, or clinic examines a victim of sexual assault to gather evidence or information, the examination is paid for by the county where the assault occurred.
- If the alleged offender is later convicted, the offender reimburses the county.
- <https://dss.sd.gov/formsandpubs/docs/ELDERLY/CVCBrochure.pdf>

Are there requirements the victim of a sexual assault that occurred in South Dakota must meet in order to be eligible for CVC?

- The assault must be reported to the state.
- The crime must be reported to law enforcement within five days of its occurrence or when a report could reasonably have been made.
- The claim for compensation must be filed within one year of the crime unless good cause is shown for the delay.
- The victim and claimant must reasonably cooperate in the investigation and prosecution.
- Compensation cannot be paid to a claimant if it would unjustly benefit the offender or an accomplice.
- The victim cannot contribute to the crime.
- It is recognized that sexual assault victims often take longer than five days to report an assault and are encouraged to apply for compensation regardless.

If the assault occurred in Wisconsin, who pays for a sexual assault exam performed in Minnesota?

- In Wisconsin, victims have the choice to utilize their insurance for payment of their sexual assault exam.
- If a victim does not have insurance or would rather their insurance not be utilized, then the sexual assault exam may be paid for by Wisconsin's Sexual Assault Forensic Exam (SAFE) Fund. If the victim chooses not to report the crime to law enforcement or cooperate with the investigation/prosecution of the offender, the SAFE Fund is available to pay for the examination cost.
- Hospitals/healthcare providers bill the SAFE Fund directly for exam payment.
- <https://www.doj.state.wi.us/ocvs/not-crime-victim/sexual-assault-forensic-exam>

Is a sexual assault victim who is not a resident of Wisconsin a "victim" for the purposes of the CVC?

- Yes, a "victim" is defined by the CVC as a person who is injured or killed during an act occurring within the state of Wisconsin.
- No differentiation is made between resident and non-resident victims.

Are there requirements the victim of a sexual assault that occurred in Wisconsin must meet in order to be eligible for CVC?

- The victim must:
 - Report the crime within 5 days of its occurrence or within 5 days of when the crime could reasonably have been reported.
 - Incur actual, out-of-pocket expenses.
 - Utilize all other sources of payment (example: restitution, private insurance)
 - Apply for CVC within one year of the crime’s occurrence. The one year deadline may be waived in the interest of justice.
 - Cooperate with the law enforcement investigation.
 - Cooperate with the Wisconsin Department of Justice as they process the CVC application.
 - A victim should still apply to CVC if beyond the one-year filing deadline; however, reporting the crime to law enforcement cannot be waived.
 - It is recognized that sexual assault victims often take longer than 5 days to report an assault and therefore are encouraged to apply for CVC.
 - <https://www.doj.state.wi.us/ocvs/compensation/crime-victim-compensation-program-compensation-your-financial-losses> or see Wisconsin Coalition Against Sexual Assault at www.wcasa.org.

If a Wisconsin victim does not want to bill their insurance for a sexual assault exam, are they still eligible for CVC?

- Yes. If a victim chooses not to use insurance as exam payment, SAFE Funds should cover the examination costs. The victim may still apply for CVC funds as long as the aforementioned CVC guidelines are met.

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