

SENATE
STATE OF MINNESOTA
EIGHTY-NINTH SESSION

S.F. No. 3102

(SENATE AUTHORS: JENSEN)

DATE	D-PG	OFFICIAL STATUS
03/23/2016	5225	Introduction and first reading Referred to Judiciary
03/30/2016		Comm report: To pass as amended and re-refer to Health, Human Services and Housing

1.1 A bill for an act
 1.2 relating to criminal justice; clarifying the law on financial responsibility for the
 1.3 costs of a medical examination for sexual assault victims; amending Minnesota
 1.4 Statutes 2014, section 609.35.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2014, section 609.35, is amended to read:

1.7 **609.35 COSTS OF MEDICAL EXAMINATION.**

1.8 Subdivision 1. **Costs.** (a) Costs incurred by a county, city, or private hospital or other
 1.9 emergency medical facility or by a private physician for the examination of a victim of
 1.10 criminal sexual conduct when the examination is performed for the purpose of gathering
 1.11 evidence shall be paid by the county in which the criminal sexual conduct occurred.
 1.12 These costs include, but are not limited to, full ~~cost~~ costs of the rape kit examination;
 1.13 and associated prophylactic medications and tests relating to the complainant's sexually
 1.14 transmitted disease infection status; and pregnancy status provided during the acute
 1.15 response. The course of care shall follow, when practicable, the most recent guidelines for
 1.16 a rape kit examination and prophylactic medications set forth by the Centers for Disease
 1.17 Control and Prevention.

1.18 (b) The applicability of this section does not depend on whether the victim reports the
 1.19 offense to law enforcement or the existence or status of any investigation or prosecution.

1.20 (c) The county is required by law to pay for the examination and the victim is in no
 1.21 way liable for these costs or obligated to authorize the reimbursement. The hospital shall
 1.22 inform the victim of the county's responsibility to pay by providing the notice required
 1.23 under section 144.6586.

2.1 ~~(b)~~ (d) Nothing in this section shall be construed to limit the duties, responsibilities,
2.2 or liabilities of any insurer, whether public or private. ~~However, a county may seek~~
2.3 ~~insurance reimbursement from the victim's insurer only if authorized by the victim. This~~
2.4 ~~authorization may only be sought after the examination is performed. When seeking this~~
2.5 ~~authorization, the county shall inform the victim that if the victim does not authorize this,~~
2.6 ~~the county is required by law to pay for the examination and that the victim is in no way~~
2.7 ~~liable for these costs or obligated to authorize the reimbursement. A victim's insurer may~~
2.8 ~~only be billed for the costs of the examination if specifically authorized by the victim~~
2.9 ~~after the examination has been performed. If the victim does not provide authorization~~
2.10 ~~and the insurer is not billed for the costs of the examination, the health care provider~~
2.11 ~~may submit a request for payment directly to the county for the costs associated with the~~
2.12 ~~examination provided for in this section.~~

2.13 (e) The health care provider examination report generated as part of this examination
2.14 shall meet state and federal law requirements for patient confidentiality and include:

2.15 (1) location information supplied by the victim sufficient to identify the county in
2.16 which the assault occurred;

2.17 (2) documentation of evidence collected from the victim, including but not limited
2.18 to biological evidence, physical evidence, detailed history, and photographs; and

2.19 (3) when available, documentation of the victim's authorization for insurer billing.

2.20 (f) If the victim does not report the offense to law enforcement, the county may seek
2.21 verification of the location of the assault from the health care provider. The health care
2.22 provider shall provide this information obtained from the examination report in a separate
2.23 written form to the county in a manner that does not disclose the identity of the victim
2.24 in accordance with state and federal law.

2.25 (g) If the victim does report the offense but the location of the assault is not known,
2.26 the law enforcement agency responsible for the jurisdiction where the hospital is located
2.27 shall take initial custody of the examination kit.

2.28 (e) (h) The applicability of this section does not depend upon whether the victim
2.29 reports the offense to law enforcement or the existence or status of any investigation
2.30 or prosecution.

2.31 **Subd. 2. Restitution required.** The court shall order a person convicted of a
2.32 criminal sexual conduct crime to pay restitution to the entity or person that has paid the
2.33 costs associated with the examination conducted under this section.