

Introduced by Senator Corbett

**(Coauthors: Senators De León, DeSaulnier, Galgiani, Hancock,
Jackson, Liu, and Pavley)**

(Coauthors: Assembly Members Bonilla, Bonta, Buchanan, Campos,
Frazier, Mitchell, Quirk, Wieckowski, and Williams)

January 10, 2013

An act to amend Section 13823.95 of the Penal Code, relating to sexual assault.

LEGISLATIVE COUNSEL'S DIGEST

SB 107, as introduced, Corbett. Sexual assault: victim medical evidentiary examination.

Existing law provides that the costs incurred by a qualified health care professional, hospital, or other emergency medical facility for the examination of the victim of a sexual assault for the purposes of gathering evidence for possible prosecution shall be charged to the local law enforcement agency in whose jurisdiction the alleged offense occurred. Existing law authorizes the local law enforcement agency to seek reimbursement from the California Emergency Management Agency or its successor, the Office of Emergency Services, for the costs of those examinations, as specified, in those cases in which the victim does not participate in the criminal justice system and authorizes, until January 1, 2014, the California Emergency Management Agency or the Office of Emergency Services to utilize certain federal grant moneys to provide that reimbursement.

This bill would extend indefinitely the authorization to utilize those federal grant moneys to provide that reimbursement.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 13823.95 of the Penal Code is amended
2 to read:

3 13823.95. (a) No costs incurred by a qualified health care
4 professional, hospital, or other emergency medical facility for the
5 medical evidentiary examination portion of the examination of the
6 victim of a sexual assault, as described in the protocol developed
7 pursuant to Section 13823.5, when the examination is ~~performed,~~
8 *performed* pursuant to Sections 13823.5 and 13823.7, shall be
9 charged directly or indirectly to the victim of the assault.

10 (b) Any victim of a sexual assault who seeks a medical
11 evidentiary examination, as that term is used in Section 13823.93,
12 shall be provided with a medical evidentiary examination. No
13 victim of a sexual assault shall be required to participate or to agree
14 to participate in the criminal justice system, either prior to the
15 ~~examination,~~ *examination* or at any other time.

16 (c) The cost of a medical evidentiary examination performed
17 by a qualified health care professional, hospital, or other emergency
18 medical facility for a victim of a sexual assault shall be treated as
19 a local cost and charged to the local law enforcement agency in
20 whose jurisdiction the alleged offense was ~~committed,~~ *provided*
21 *committed; provided*, however, that the local law enforcement
22 agency may seek reimbursement, as provided in subdivision (d),
23 for the cost of conducting the medical evidentiary examination
24 portion of a medical examination of a sexual assault victim who
25 does not participate in the criminal justice system.

26 (d) The amount that may be charged by a qualified health care
27 professional, hospital, or other emergency medical facility to
28 perform the medical evidentiary examination portion of a medical
29 examination of a victim of a sexual assault shall not exceed three
30 hundred dollars (\$300). The ~~California Office of Emergency~~
31 ~~Management Agency Services~~ shall use the discretionary funds
32 from federal grants awarded to the agency pursuant to the federal
33 Violence Against Women and Department of Justice
34 Reorganization Act of 2005 through the federal Office of Violence
35 Against Women, specifically, the STOP (Services, Training,
36 Officers, and Prosecutors) Violence Against Women Formula
37 Grant ~~Program~~ *Program*, to cover the cost of the medical
38 evidentiary examination portion of a medical examination of a

1 sexual assault victim. ~~The agency is authorized to use grant funds~~
2 ~~to pay for medical evidentiary examinations until January 1, 2014.~~

3

4

5 **CORRECTIONS:**

6 **Heading—Line 2.**

7

O