

**LEGISLATIVE SERVICES AGENCY  
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**FISCAL IMPACT STATEMENT**

**LS 7221**

**BILL NUMBER: HB 1413**

**NOTE PREPARED: Jan 1, 2005**

**BILL AMENDED:**

**SUBJECT:** Reimbursement for Treatment after Sexual Assault.

**FIRST AUTHOR:** Rep. Welch

**FIRST SPONSOR:**

**BILL STATUS:** As Introduced

**FUNDS AFFECTED:** X GENERAL  
X DEDICATED  
X FEDERAL

**IMPACT:** State

**Summary of Legislation:** This bill increases from 48 to 96 hours the time a victim of a sex crime has to report the crime to qualify for reimbursement for emergency medical services. The bill requires the Victim Services Division of the Criminal Justice Institute to: (1) process applications for reimbursement for emergency services to a sex crime victim within 120 days; and (2) adopt rules concerning appeals for denial of reimbursement for emergency services for a victim of a sex crime. It makes an appropriation for FY 2006 from the state General Fund of an amount sufficient to pay valid applications for reimbursement that were pending before July 1, 2005.

**Effective Date:** July 1, 2005.

**Summary of Net State Impact:** This bill affects the Victims Services Division of the Indiana Criminal Justice Institute (ICJI) and persons applying for reimbursement after sexual assault.

(A) The bill lengthens the amount of time, from 48 to 96 hours, in which a victim must report the crime to law enforcement. There is no data available that indicate the number of additional individuals that would apply for reimbursement. Ultimately, the increase in expenditures is dependent on the number of additional claims that are applied for and subsequently approved and the dollar amount of the reimbursement claims.

(B) The bill requires the ICJI to create an appeals process for sexual assault victims applying for reimbursement. The number of persons that would apply for an appeal is unknown. ICJI reports that it would have to pay an outside attorney \$300 per appeal. The increase in expenditures for the creation of an appeals process is dependent on the number of appeals applied for annually.

(C) The bill also requires ICJI to process applications for victims of sex crimes within 120 days. ICJI reports that it is approximately 3 months behind on mail and thus would need an additional claims analyst to be able to accomplish this requirement of the bill. Potential expenditures for a PAT IV are approximately \$42,000 per year, but would depend on administrative action.

**Explanation of State Expenditures:** In 1978, the Indiana General Assembly enacted into law a program to provide financial assistance for violent crime victims, known as the Indiana Violent Crime Victim Compensation Fund. The fund assists victims or their dependents with medical expenses, funeral expenses, lost wages, and psychological counseling.

The Compensation Fund also allows payment of expenses resulting from the collection of evidence after an alleged sexual assault without the burden of the expense falling on the shoulders of the victim. This bill affects this portion of the Victims of Violent Crime Compensation program.

*Expansion from 48 to 96 Hours:* The bill would lengthen the amount of time, from 48 to 96 hours, in which a victim of a sex crime must report the crime to a law enforcement officer for reimbursement under the statute involving emergency services to sex crime victims. There is no data available that indicate the number of individuals that would apply for reimbursement under the requirements of this bill. ICJI reports that it currently waives the 48-hour requirement for persons (a) under the age of 16 and (b) that show reason through documentation why they were unable to complete the report within the currently required 48 hours. Furthermore, ICJI reports that it currently denies claims to persons for not reporting within the 48 hours. Thus, there likely will be an increase in applications for reimbursement. Ultimately, the increase in expenditures is dependent on the number of additional claims that are applied for and subsequently approved and the dollar amount of the reimbursement claims.

*Appeals Process:* ICJI reports that it currently does not have a formal appeals process for persons applying for reimbursement under the statute involving emergency services to sex crime victims. However, it does have an informal process. If a person is denied and contacts ICJI, they are able to submit additional information that they may have for review. The information is then reviewed by the director, and a decision on the appeal is made. ICJI does not collect information about the number of appeals that are made annually.

The Violent Crime Victim Compensation Program does have a formal appeals process. ICJI reports that it pays an outside attorney \$300 per appeal. Appeals are rarely overturned. In CY 2003, a total of 9 out of 1,064 applications were overturned. Of those 1,064 applications, 468 were approved, one was denied, 239 were appealed and denied, 9 were appealed and overturned, and 347 are still being processed.

*Application Processing Time:* The bill would require ICJI to process applications for victims of sex crimes within 120 days. ICJI reports that it is approximately 3 months behind on mail and thus would need an additional claims analyst to be able to accomplish this requirement of the bill. Potential expenditures for a PAT IV are approximately \$42,000 per year. The funds and resources required could be supplied through a variety of sources, including the following: (1) existing staff and resources not currently being used to capacity; (2) existing staff and resources currently being used in another program; (3) authorized, but vacant, staff positions, including those positions that would need to be reclassified; (4) funds that, otherwise, would be reverted; or (5) new appropriations. Ultimately, the source of funds and resources required to satisfy the requirements of this bill will depend upon legislative and administrative actions.

*Background Information:* In CY 2003, the Victims of Sexual Assault Program received 2,315 claims, of which

2,149 were approved, 161 were denied, and 4 were appealed and overturned. ICJI paid out approximately \$3 M in reimbursement costs. This money includes a federal match of 60% of the state's contribution.

There is currently no cap on the dollar amount that ICJI is able to reimburse individuals who are victims of violent sex crimes. However, ICJI is limited to reimbursement for forensic medical exams, medical testing, and counseling. ICJI reports that reimbursement amounts typically fall between \$1,500 and \$2,500.

Funding for the program is provided by a grant from the United States Department of Justice, a percentage of court fees collected statewide, work release money, restitution, and trust funds.

**Explanation of State Revenues:**

**Explanation of Local Expenditures:**

**Explanation of Local Revenues:**

**State Agencies Affected:** Indiana Criminal Justice Institute.

**Local Agencies Affected:**

**Information Sources:** Stephanie Jones, Indiana Criminal Justice Institute, 232-0157.

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