

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 7221

BILL NUMBER: HB 1413

NOTE PREPARED: Feb 21, 2005

BILL AMENDED: Feb 14, 2005

SUBJECT: Reimbursement for Treatment after Sexual Assault.

FIRST AUTHOR: Rep. Welch

FIRST SPONSOR:

BILL STATUS: 2nd Reading - 1st House

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: State

Summary of Legislation: (Amended) Services to sex crime victims. This bill increases from 48 to 96 hours the time a victim of a sex crime who is at least 18 years of age has to report the crime to qualify for reimbursement for emergency medical services. It provides that a victim less than 18 years of age must report a sex crime to Child Protective Services or a law enforcement officer to qualify for reimbursement, but the action is not subject to any time requirements in doing so. It also requires the Victim Services Division of the Criminal Justice Institute to process applications for reimbursement for emergency services to a sex crime victim within 120 days.

Effective Date: July 1, 2005.

Summary of Net State Impact: (Revised) 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 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: (Revised) 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 who is 18 years of age or older 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 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.

The bill also places no time limit for a report if the victim is under the age of 18. ICJI reports that it currently waives the 48-hour requirement for persons under the age of 16. Thus, this requirement of the bill would create no additional fiscal impact.

Application Processing Time: The bill would require ICJI to approve, deny, or suspend a claim submitted by a provider for payment 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:

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