

# HOUSE BILL No. 1413

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 5-2-6.1; IC 16-18-2-97; IC 16-21-8.

**Synopsis:** Reimbursement for treatment after sexual assault. 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. 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. Makes an appropriation for the 2005-2006 fiscal year from the state general fund of an amount sufficient to pay valid applications for reimbursement that were pending before July 1, 2005.

**Effective:** July 1, 2005.

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**Welch, Budak**

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January 13, 2005, read first time and referred to Committee on Public Health.

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First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

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## HOUSE BILL No. 1413



A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration and to make an appropriation.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 5-2-6.1-17 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 17. (a) **Except as**  
3 **provided in subsection (b)**, the division may not award compensation  
4 under this chapter unless the violent crime was reported to a law  
5 enforcement officer not more than forty-eight (48) hours after the  
6 occurrence of the crime.

7 (b) **The division may award compensation under this chapter if**  
8 **the violent crime was reported to a law enforcement officer not**  
9 **more than ninety-six (96) hours after the occurrence of the crime**  
10 **if the application for reimbursement is for services provided under**  
11 **IC 16-21-8.**

12 SECTION 2. IC 5-2-6.1-39 IS AMENDED TO READ AS  
13 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 39. (a) When a hospital  
14 acting under IC 16-21-8 provides emergency services to an alleged sex  
15 crime victim, the hospital shall furnish the services without charge. The  
16 victim services division of the Indiana criminal justice institute shall  
17 reimburse a hospital for its costs in providing the services and shall



1 adopt rules and procedures to provide for reimbursement. A hospital  
2 may not charge the victim for services required under this chapter,  
3 despite delays in reimbursement from the victim services division of  
4 the Indiana criminal justice institute.

5 (b) Costs incurred by a hospital or other emergency medical facility  
6 for the examination of the victim of a sex crime (under IC 35-42-4) not  
7 covered under IC 16-21-8 or incest (under IC 35-46-1-3), if the  
8 examination is performed for the purposes of gathering evidence for  
9 possible prosecution, may not be charged to the victim of the crime.  
10 The costs shall be treated as local costs and charged to the appropriate  
11 local governmental agency as follows:

12 (1) If the treatment or services are provided at a county or city  
13 hospital, or hospital district facility, the county shall pay the  
14 expenses.

15 (2) If the treatment or services are provided at a private hospital,  
16 the expenses are paid by the county in whose jurisdiction the  
17 alleged crime was committed.

18 (c) When a licensed medical service provider not covered by  
19 subsection (a) or (b) elects to provide emergency services to an alleged  
20 victim of one (1) or more of the sex crimes listed in IC 16-21-8-1(b),  
21 the medical service provider shall furnish the services without charge.  
22 The victim services division of the Indiana criminal justice institute  
23 shall reimburse a medical service provider for costs in providing the  
24 services listed in subsection (d) if:

25 (1) the victim or claimant has:  
26 (A) reported the sex crime to a law enforcement officer within  
27 ~~forty-eight (48)~~ **ninety-six (96)** hours after the crime occurred;  
28 and

29 (B) has cooperated fully with law enforcement personnel to  
30 solve the crime; or

31 (2) the victim services division of the Indiana criminal justice  
32 institute finds a compelling reason for failure of the victim or  
33 claimant to report to or cooperate with law enforcement officials.

34 (d) If the requirements of subsection (c) are met, the victim services  
35 division of the Indiana criminal justice institute shall reimburse a  
36 medical service provider for costs in providing the following services:

37 (1) Appropriate medical care.

38 (2) Appropriate procedures for acquiring adequate evidence that  
39 may be used in a criminal proceeding against a person accused of  
40 the sex crime.

41 (3) Records of the results of examinations and tests made by the  
42 hospital.

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(4) Appropriate counseling for the victim.  
A medical service provider may not charge the victim for services because the victim services division of the Indiana criminal justice institute delays in reimbursing the provider.

(e) Costs incurred by a licensed medical service provider for the examination of the victim of a sex crime (under IC 35-42-4) not covered under IC 16-21-8 or incest (under IC 35-46-1-3) may not be charged to the victim of the crime if the examination is performed for the purposes of gathering evidence for possible prosecution. The costs are local costs to be paid by the county in which the alleged crime was committed.

SECTION 3. IC 5-2-6.1-46 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 46. The division shall adopt rules under IC 4-22-2 governing the computation and payment of awards under this chapter, ~~and~~ the payment of reimbursements under IC 16-21-8-6, **and an appeal process for denial of reimbursements under IC 16-21-8-6.**

SECTION 4. IC 16-18-2-97 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 97. "Division" means the following:

- (1) For purposes of IC 16-21-8, the meaning set forth in IC 16-21-8-0.5.
- (+) (2) For purposes of IC 16-22-8, the meaning set forth in IC 16-22-8-3.
- (=) (3) For purposes of IC 16-27, a group of individuals under the supervision of the director within the state department assigned the responsibility of implementing IC 16-27.
- (-) (4) For purposes of IC 16-28, a group of individuals under the supervision of the director within the state department assigned the responsibility of implementing IC 16-28.
- (\*) (5) For purposes of IC 16-41-40, the meaning set forth in IC 16-41-40-1.

SECTION 5. IC 16-21-8-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 0.5. As used in this chapter, "division" refers to the victim services division of the Indiana criminal justice institute.**

SECTION 6. IC 16-21-8-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) A hospital licensed under IC 16-21-2 that provides general medical and surgical hospital services shall provide emergency hospital service, in accordance with rules adopted by the ~~victim services~~ division, ~~of the~~

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1 ~~Indiana criminal justice institute~~ to all alleged sex crime victims who  
 2 apply for hospital emergency services in relation to injuries or trauma  
 3 resulting from the alleged sex crime.

4 (b) For the purposes of this chapter, the following crimes are  
 5 considered sex crimes:

- 6 (1) Rape (IC 35-42-4-1).  
 7 (2) Criminal deviate conduct (IC 35-42-4-2).  
 8 (3) Child molesting (IC 35-42-4-3).  
 9 (4) Vicarious sexual gratification (IC 35-42-4-5).  
 10 (5) Sexual battery (IC 35-42-4-8).  
 11 (6) Sexual misconduct with a minor (IC 35-42-4-9).

12 SECTION 7. IC 16-21-8-5 IS AMENDED TO READ AS  
 13 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. (a) The ~~victim~~  
 14 ~~services division of the Indiana criminal justice institute~~ may not award  
 15 compensation or reimbursement under this chapter unless the following  
 16 conditions are met:

- 17 (1) The sex crime was reported to a law enforcement officer  
 18 within ~~forty-eight (48)~~ **ninety-six (96)** hours after the crime's  
 19 occurrence.  
 20 (2) The victim or claimant has cooperated fully with law  
 21 enforcement personnel to solve the crime.

22 (b) If the ~~victim services division of the Indiana criminal justice~~  
 23 ~~institute~~ finds a compelling reason for failure to report to or cooperate  
 24 with law enforcement officials and justice requires, the ~~victim services~~  
 25 ~~division of the Indiana criminal justice institute~~ may suspend the  
 26 requirements of this section.

27 SECTION 8. IC 16-21-8-6 IS AMENDED TO READ AS  
 28 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. (a) When a hospital  
 29 or licensed medical service provider provides emergency services  
 30 under this chapter to an alleged sex crime victim, the hospital or  
 31 medical service provider shall furnish the services without charge.

32 (b) The ~~victim services division of the Indiana criminal justice~~  
 33 ~~institute~~ shall reimburse a hospital or licensed medical service provider  
 34 for the hospital's or medical service provider's costs in providing the  
 35 services and shall adopt rules and procedures to provide for  
 36 reimbursement. The application for reimbursement must be filed not  
 37 more than one hundred eighty (180) days after the date the service was  
 38 provided.

39 (c) **The division shall process an application for reimbursement**  
 40 **filed under subsection (b) not more than one hundred twenty (120)**  
 41 **days after receipt of the application for reimbursement.**

42 (d) **If the division denies an application for reimbursement, the**

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1 **division shall notify the hospital or licensed medical service**  
 2 **provider of the denial not more than one hundred twenty (120)**  
 3 **days after the receipt of the application for reimbursement.**  
 4 ~~(c)~~ **(e)** A hospital may not charge the victim for services required  
 5 under this chapter, despite delays in reimbursement from the victim  
 6 services division. of the Indiana criminal justice institute.  
 7 **SECTION 9. [EFFECTIVE JULY 1, 2005] (a) The victim services**  
 8 **division of the Indiana criminal justice institute shall identify all**  
 9 **valid applications for reimbursements for compensation under**  
 10 **IC 16-21-8:**  
 11 **(1) that were filed before July 1, 2005; and**  
 12 **(2) for which no payment has been made.**  
 13 **(b) There is appropriated to the violent crime victims**  
 14 **compensation fund established by IC 5-2-6.1-40 an amount**  
 15 **sufficient from the state general fund to pay all applications for**  
 16 **reimbursements under subsection (a) for the fiscal year beginning**  
 17 **July 1, 2005, and ending June 30, 2006.**  
 18 **(c) Notwithstanding IC 5-2-6.1-44, all applications for**  
 19 **reimbursement identified under subsection (a) shall be paid in full.**  
 20 **(d) This SECTION expires July 1, 2006.**

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