



Payment for Sexual Assault Exams When the Assault Occurs in One State But the Exam Occurs in a Different State

This fact sheet explains who pays for a sexual assault exam when the victim is assaulted while visiting one state but undergoes a sexual assault exam in her/his home state of Minnesota.

<p>In <b>Minnesota</b>, who pays for a sexual assault exam if the sexual assault occurs and the exam is performed in <b>Minnesota</b>?</p>	<ul style="list-style-type: none"> <li>• Under Minnesota law, the costs incurred for a sexual assault exam are paid for by the county where the assault occurred.</li> <li>• The county can seek reimbursement from the victim’s insurance only if authorized to do so by the victim.</li> <li>• Authorization to contact the victim’s insurance company can only be sought after the exam is performed.</li> <li>• When seeking authorization, the county must inform the victim that if they do not authorize insurance coverage, the county is required by law to cover the costs of the examination.</li> </ul>
<p>What costs does the Minnesota county pay for?</p>	<ul style="list-style-type: none"> <li>• Costs covered by the county include, but are not limited to:             <ul style="list-style-type: none"> <li>○ full costs of the rape kit exam</li> <li>○ pregnancy tests</li> <li>○ tests relating to the complainant’s STD status.</li> </ul> </li> </ul>
<p>If a victim is sexually assaulted while visiting another state, but does not undergo a sexual assault exam until returning to <b>Minnesota</b>, who pays for the sexual assault exam?</p>	<ul style="list-style-type: none"> <li>• Under Minnesota law, Minnesota will only pay for a sexual assault exam if the assault occurred in Minnesota.</li> <li>• Thus, if a Minnesota resident is assaulted in another state but the sexual assault exam takes place in Minnesota, the victim must still apply in the state where the assault occurred for compensation.</li> <li>• See below for examples of who pays for rape exams under the laws of differing states.</li> </ul>
<p>If the assault occurred in <b>Iowa</b>, does <b>Iowa</b> pay for a sexual assault exam performed in Minnesota?</p>	<ul style="list-style-type: none"> <li>• Yes, in Iowa the cost of a sexual assault examination to gather evidence and prevent venereal disease is paid for through Iowa’s Victim Compensation Fund.</li> <li>• The Victim’s Compensation Fund provides</li> </ul>

	<p>compensation (1) to victims of crimes that <i>occur in Iowa</i> and (2) to victims of out-of-state crimes committed against Iowa residents if the state where the crime was committed does not have similar provisions.</p>
<p>Is a sexual assault victim who is not a resident of <b>Iowa</b>, a “victim” for the purposes of <b>Iowa’s</b> Victim Compensation Fund?</p>	<ul style="list-style-type: none"> <li>• Yes, a “victim” is defined by the Victim Compensation fund as a petitioner or a person who is the victim of a sexual assault occurring in Iowa.</li> <li>• There is no differentiation made between victims who are residents and nonresidents of Iowa.</li> </ul>
<p>Are there requirements a sexual assault victim must meet to apply for <b>Iowa’s</b> Victim Compensation Fund?</p>	<ul style="list-style-type: none"> <li>• The sexual assault must occur in Iowa.</li> </ul>
<p>If the assault occurred in <b>North Dakota</b>, who pays for a sexual assault exam performed in Minnesota?</p>	<ul style="list-style-type: none"> <li>• In North Dakota, the cost of a sexual assault exam for an assault that occurred in North Dakota is paid for through North Dakota’s Crime Victim’s Compensation Fund (CVC).</li> </ul>
<p>Is a sexual assault victim who is not a resident of <b>North Dakota</b>, a “victim” for the purposes of the CVC?</p>	<ul style="list-style-type: none"> <li>• Yes. “Victim” is defined as “a person who suffers bodily injury or death as a result of criminally injurious conduct, the good-faith effort of any person to prevent criminally injurious conduct, or the good-faith effort of any person to apprehend a person suspected of engaging in criminally injurious conduct.” NDCC, 54-23.4-01</li> </ul>
<p>Are there requirements the victim of a sexual assault that occurred in <b>North Dakota</b> must meet in order to receive CVC compensation?</p>	<ul style="list-style-type: none"> <li>• A victim is only eligible for compensation from North Dakota if the assault is reported to a law enforcement officer within seventy-two hours after its occurrence or good cause is found for the victim’s delayed reporting.</li> <li>• It is recognized that sexual assault victims often take longer than seventy-two hours to report an assault and are encouraged to apply for CVC regardless.</li> </ul>
<p>If the assault occurred in <b>South Dakota</b>, who pays for a sexual assault exam performed in Minnesota?</p>	<ul style="list-style-type: none"> <li>• In South Dakota, if a hospital, physician, or clinic examines a victim of sexual assault to gather evidence or information, the examination is paid for by the county where the assault occurred.</li> <li>• If the alleged offender is later convicted, the county is reimbursed by the offender.</li> </ul>
<p>Are there requirements a</p>	<ul style="list-style-type: none"> <li>• The assault must be reported to the state.</li> </ul>

<p>victim of a sexual assault that occurred in <b>South Dakota</b> must meet for the county to pay for the exam?</p>	<ul style="list-style-type: none"> <li>• The crime must be reported to law enforcement within five days of its occurrence or when a report could reasonably have been made.</li> <li>• The claim for compensation must be filed within one year of the crime unless good cause is shown for the delay.</li> <li>• The victim and claimant must reasonably cooperate in the investigation and prosecution.</li> <li>• Compensation cannot be paid to a claimant if it would unjustly benefit the offender.</li> <li>• The victim cannot contribute to the crime.</li> <li>• It is recognized that sexual assault victims often take longer than five days to report an assault but are encouraged to apply for CVC regardless.</li> </ul>
<p>If the assault occurred in <b>Wisconsin</b>, who pays for a sexual assault exam performed in Minnesota?</p>	<ul style="list-style-type: none"> <li>• In Wisconsin, sexual assault exams are paid for by Wisconsin's Crime Victim Compensation Fund (CVC).</li> </ul>
<p>Is a sexual assault victim who is not a resident of <b>Wisconsin</b>, a "victim" for the purposes of the CVC?</p>	<ul style="list-style-type: none"> <li>• Yes, a "victim" is defined by the CVC as a person who is injured or killed during an act occurring within the state of Wisconsin.</li> <li>• No differentiation is made between resident and nonresident victims.</li> </ul>
<p>Are there requirements the victim of a sexual assault that occurred in <b>Wisconsin</b> must meet in order to receive CVC compensation?</p>	<p>The victim must:</p> <ul style="list-style-type: none"> <li>• Report the crime within 5 days of its occurrence or within 5 days of when the crime could reasonably have been reported.</li> <li>• Incur actual, out-of-pocket expenses.</li> <li>• utilize all other sources of payment (EX: restitution; private insurance)</li> <li>• Apply for CVC within one year of the crimes occurrence.</li> <li>• Cooperate with the law enforcement investigation.</li> <li>• Cooperate with the Office of Crime Victim Services as they process the CVC application.</li> </ul> <ul style="list-style-type: none"> <li>• If a victim does not meet all of the above requirements, they are still encouraged to apply for CVC in the interest of justice.</li> </ul> <ul style="list-style-type: none"> <li>• It is recognized that sexual assault victims often take longer than 5 days to report an assault and</li> </ul>

	therefore are encouraged to apply for CVC regardless.
If a Wisconsin victim does not want to bill their insurance for a sexual assault exam, are they still eligible for CVC?	<ul style="list-style-type: none"> <li>• No. To receive CVC funds, the victim must utilize all other sources of payment for expenses resulting from the crime, including insurance.</li> <li>• However, if a victim chooses not to bill their insurance they may be eligible for Wisconsin's SAFE (Sexual Assault Forensic Exam) fund.</li> <li>• SAFE only pays for the sexual assault exam.</li> <li>• Victims may not apply for both SAFE funds and CVC funds.</li> </ul>

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*Our Thanks to Kelly McDermott, William Mitchell Law School, for contributions.*