Date of Hearing: April 27, 2022

ASSEMBLY COMMITTEE ON APPROPRIATIONS
Chris Holden, Chair
AB 2185 (Akilah Weber) – As Amended March 24, 2022

Policy Committee: Public Safety Vote: 7 - 0

Urgency: No State Mandated Local Program: No Reimbursable: Yes

SUMMARY:

This bill provides a domestic violence victim access to medical evidentiary exams, free of charge, by Local Sexual Assault Response Teams (SART) or other qualified medical evidentiary examiners. Specifically, this bill:

1) Includes the California Sexual Assault Forensic Examiner Association in the entities which the Office of Emergency Services (OES) must collaborate with to establish uniform forms and medical protocol for the examination of domestic violence victims.

2) States the costs associated with these medical evidentiary exams shall be funded by the state, subject to appropriation by the Legislature, and that OES shall negotiate with each county a maximum reimbursement rate, to be reviewed every five years.

3) Requires reimbursement to be made within 60 days.

4) Prohibits the rate of reimbursement from being reduced based on patient history or specified other reasons.

FISCAL EFFECT:

Costs (General Fund (GF)) of approximately $790,000 annually to OES in additional staff to create forms for and manage reimbursements to victims that receive domestic violence medical evidentiary exams. Additional cost pressures (GF) to OES in the millions to tens of millions dollars annually in that this bill requires reimbursement in domestic violence cases that is not currently required. AB 145 (Committee on Budget), Chapter 80, Statutes of 2021, authorized OES to provide full reimbursement to counties for the cost of sexual assault evidentiary exams. OES reimburses $911 for each sexual assault evidence exam and kit. Assuming the cost of a domestic violence evidentiary exam is similar, OES will likely require significant GF allocations to reimburse counties for medical evidentiary exams in domestic violence cases. If there are approximately 15,000 domestic violence medical evidentiary exams annually at a reimbursement rate of $900, GF pressure may be as high as $13.5 million.

COMMENTS:

1) Purpose. According to the author:

AB 2185 standardizes best practices and increases access of medical evidentiary examinations for victims of domestic violence
assault. This bill would also ensure survivors of domestic violence are connected to local social services or child advocacy centers for additional support.

2) **Background.** The Violence Against Women Act (VAWA) affords sexual assault victims the right to obtain a medical evidentiary examination after a sexual assault. The victim may not be charged for the exam. The costs are charged to the local law enforcement agency. The OES uses discretionary funds from various federal grants to reimburse the costs of the examination, and makes a determination as to the amount of reimbursement. OES can reassess the amount of the reimbursement every 5 years. Currently, a victim of domestic violence does not have access to a reimbursable medical exam. This bill would give domestic violence victims access to medical evidentiary exams free of charge. The costs of the exam would be funded by the state, subject to an appropriation by the Legislature.

3) **Related Legislation.** AB 925 (M. Dahle) authorizes a law enforcement agency to seek reimbursement from OES to offset the costs of a sexual assault medical exam when a victim decides not to report the assault to law enforcement. AB 925 was referred to but never heard in the Senate Appropriations Committee.

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