

**SENATE BILL**

**No. 56**

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**Introduced by Senator Corbett**

September 11, 2009

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An act to amend Section 13823.95 of the Penal Code, relating to victims of sexual assault.

LEGISLATIVE COUNSEL'S DIGEST

SB 56, as introduced, Corbett. Victims of sexual assault.

Existing law provides that no costs incurred by a qualified health care professional, hospital, or other emergency medical facility for the examination of the victim of a sexual assault for the purposes of gathering evidence for possible prosecution shall be charged directly or indirectly to the victim of the assault. Existing law provides that the law enforcement agency in the jurisdiction in which the alleged sexual assault was committed which requests the examination has the option of determining whether or not the examination will be performed in the office of a physician and surgeon, and that local jurisdiction shall bear the cost of these examinations.

This bill would provide that victims of sexual assault are not required to participate in the criminal justice system or cooperate with law enforcement in order to be provided with a forensic medical examination. Because this bill would expand a victim's right to a medical exam paid for by a local agency, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

The California Constitution authorizes the Governor to declare a fiscal emergency and to call the Legislature into special session for that purpose. The Governor issued a proclamation declaring a fiscal emergency, and calling a special session for this purpose, on December 19, 2008.

This bill would state that it addresses the fiscal emergency declared by the Governor by proclamation issued on December 19, 2008, pursuant to the California Constitution.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 13823.95 of the Penal Code is amended  
2 to read:

3 13823.95. No costs incurred by a qualified health care  
4 professional, hospital, or other emergency medical facility for the  
5 examination of the victim of a sexual assault, as described in the  
6 protocol developed pursuant to Section 13823.5, when the  
7 examination is performed, pursuant to Sections 13823.5 and  
8 13823.7, for the purposes of gathering evidence for possible  
9 prosecution, shall be charged directly or indirectly to the victim  
10 of the assault. Those costs shall be treated as local costs and  
11 charged to the local governmental agency in whose jurisdiction  
12 the alleged offense was committed.

13 Bills for these costs shall be submitted to the law enforcement  
14 agency in the jurisdiction in which the alleged offense was  
15 committed which requests the examination.

16 *Victims of sexual assault are not required to participate in the*  
17 *criminal justice system or cooperate with law enforcement in order*  
18 *to be provided with a forensic medical examination.*

19 The law enforcement agency in the jurisdiction in which the  
20 alleged offense was committed which requests the examination  
21 has the option of determining whether or not the examination will  
22 be performed in the office of a physician and surgeon.

1 SEC. 2. If the Commission on State Mandates determines that  
2 this act contains costs mandated by the state, reimbursement to  
3 local agencies and school districts for those costs shall be made  
4 pursuant to Part 7 (commencing with Section 17500) of Division  
5 4 of Title 2 of the Government Code.

6 SEC. 3. This act addresses the fiscal emergency declared by  
7 the Governor by proclamation on December 19, 2008, pursuant  
8 to subdivision (f) of Section 10 of Article IV of the California  
9 Constitution.

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