

State of South Dakota

NINETY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2018

625Z0186

HOUSE BILL NO. 1126

Introduced by: Representatives Reed, Bartling, DiSanto, Hawley, Holmes, Jensen (Kevin), Kettwig, Latterell, Mills, Qualm, Smith, and Steinhauer and Senators Soholt, Haverly, Kolbeck, Nelson, Peters, Rusch, Solano, and Tidemann

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding forensic medical
2 examinations for victims of rape or sexual offense.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 22-22-26 be amended to read:

5 22-22-26. ~~If a physician, hospital, or clinic examines the victim of an alleged rape or sexual~~
6 ~~offense the examination shall be provided without cost to the victim.~~ The county where an
7 alleged rape or sexual offense occurred shall pay the cost of any forensic medical examination
8 performed by a physician, hospital, or clinic shall be paid for the cost of the examination by the
9 county where the alleged rape or sexual offense occurred, which shall be reimbursed by any
10 defendant if convicted on the victim of the alleged rape or sexual offense. For purposes of the
11 provisions of this Act, the term, forensic medical examination, includes:

12 (1) Examination of physical trauma;

13 (2) Patient interview, including medical history, triage, and consultation; and

14 (3) Collection and evaluation of evidence, including any photographic documentation;



1 preservation and maintenance of the chain of custody of evidence; medical specimen
2 collection; and any alcohol- or drug-facilitated sexual assault assessment and
3 toxicology screening deemed necessary by the physician, hospital, or clinic.

4 Section 2. That chapter 22-22 be amended by adding a NEW SECTION to read:

5 A person who is convicted of a rape or sexual offense shall be required as part of the
6 sentence imposed by the court to reimburse the county for the cost of any forensic medical
7 examination performed under § 22-22-26 resulting from the rape or sexual offense for which
8 the defendant is convicted. The cost of a forensic medical examination to be paid by the county
9 under § 22-22-26 and reimbursed to the county under this section shall include:

- 10 (1) Physician, hospital, or clinic services directly related to the forensic medical
11 examination, including integral forensic supplies;
- 12 (2) Scope procedures directly related to the forensic medical examination, including
13 anoscopy and colposcopy;
- 14 (3) Laboratory testing directly related to the forensic medical examination, including
15 drug screening, urinalysis, pregnancy screening, syphilis screening, chlamydia
16 culture, gonorrhea coverage culture, blood test for HIV screening, hepatitis B and C,
17 herpes culture, and any other sexually-transmitted disease testing directly related to
18 the examination;
- 19 (4) Any medication provided during the forensic medical examination; and
- 20 (5) Any radiology service directly related to the forensic medical examination.

21 Section 3. That chapter 22-22 be amended by adding a NEW SECTION to read:

22 Each county of the state shall coordinate with each physician, hospital, and clinic within the
23 county to establish a payment process by which the county shall pay for the cost of any forensic
24 medical examination performed under § 22-22-26 and to notify any victim of rape or sexual

1 offense of the availability of a forensic medical examination at no cost to the victim. A victim
2 of rape or sexual offense is not required to participate in the criminal justice system or to
3 cooperate with law enforcement to be provided with a forensic medical examination without
4 cost to the victim.