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AG MADIGAN: SEXUAL ASSAULT SURVIVORS WILL NOT PAY FOR EXAMS

Chicago — Attorney General Lisa Madigan highlighted a new law that will prohibit health care providers from directly billing sexual assault survivors for the collection of evidence related to their attacks. House Bill 3848, sponsored by Rep. Michelle Mussman (D-Schaumburg) and Sen. Melinda Bush (D-Grayslake), was passed by the General Assembly unanimously and signed into law Monday.

The new law, initiated by Attorney General Madigan, will ensure compliance with the federal Violence Against Women Act of 2013 (VAWA) and remove a barrier that may prevent sexual assault survivors from going to the hospital after the crime.

"I strongly encourage anyone who is sexually assaulted to go quickly to a hospital emergency room for necessary care and to collect evidence of the crime," Madigan said. "This law assures that in the aftermath of a sexual assault, a survivor will not be sent a bill for those critical ER services that play an important role in helping law enforcement make an arrest and work to achieve justice for the survivor."

Following a sexual assault, survivors are urged to go to hospital emergency rooms for a medical forensic examination. This is an invasive examination that can last four to six hours and involves the collection of physical evidence from the survivor's body. The physical evidence, collected through what is commonly referred to as a "sexual assault evidence kit" or a "rape kit," is then sent to a crime lab for testing. The test results are a critical part of a criminal investigation and may later be used in a criminal prosecution.

"Sending survivors of rape a bill for medical services as a result of their attack is highly insensitive and can unnecessarily force them to relive the event," Mussman said. "We need to do everything we can to help survivors recover, and this law is an important step in the right direction."

"I am pleased to see this measure pass, and I applaud Attorney General Madigan for moving to protect the survivors of sexual assault," Bush said. "The legal process survivors face often seems overwhelming. This will ensure that survivors can come forward without worrying about shouldering the financial burden of an investigation."

HB 3848 expressly prohibits hospitals, emergency room physicians and other providers of sexual assault services from charging the survivor or sending the survivor a bill. Hospitals must also provide a written notice to survivors when they are discharged, explaining that they may not be billed and providing information regarding who to contact if they receive a bill. Under the new law, fines may be imposed on providers who bill or refer a survivor to a collection agency.

The law brings Illinois into compliance with the VAWA, which requires Illinois to certify that that sexual assault survivors are not being billed for medical forensic examinations as a condition of receiving federal grant funds. Failure to comply with VAWA could result in the loss of these federal funds which are used to provide services to victims, to train law enforcement officers and prosecutors, and to train Sexual Assault Nurse Examiners (SANE), who work with victims to gather evidence and help them begin the recovery process.

Madigan's effort to draft and ensure passage of this new law builds on the work she has done for over a decade to protect survivors of sexual violence, strengthen their rights and increase the likelihood of successful prosecutions of sex crimes. Madigan has led the effort to significantly increase the number of trained SANEs in hospitals throughout Illinois and has worked to pass legislation to mandate the testing of sexual assault evidence kits, as well as to improve college responses to campus sexual assaults. Madigan's office provides funding for dozens of organizations that offer critical services to survivors. She also has worked to strengthen Illinois law to protect victims of stalking, a crime that is more likely to occur on college campuses and that can lead to sexual violence and other crimes.

The new law goes into effect Jan. 1, 2016.

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