

DEPARTMENT OF FINANCE BILL ANALYSIS

AMENDMENT DATE: August 15, 2011
POSITION: Neutral
SPONSOR: Alameda County District Attorney, California
Coalition Against Sexual Assault

BILL NUMBER: SB 534
AUTHOR: E. Corbett

BILL SUMMARY: Victims of Sexual Assault

Current federal law, the Violence Against Women Act (VAWA), establishes an office within the Department of Justice to administer the Act, including the Services-Training Officers-Prosecutors (STOP) grant program, which provides grants to states to address issues associated with violence against women. The VAWA Office has authority over all grants, cooperative agreements, and contracts authorized by VAWA, and develops policies and guidelines for programs receiving grants under the Act.

Existing federal law bars a state from receiving a VAWA grant unless state law provides as follows:

- A sexual assault victim shall not be charged for forensic and medical examinations, as specified.
A sexual assault victim shall not be required to participate in the criminal justice system in order to receive a forensic medical exam or to receive reimbursement for the exam.

California receives about \$13 million annually from the VAWA grant programs.

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 exam.
Provide for the development of a training course for local health care professionals on procedure to examine victims of sexual assault.
Require California Emergency Management Agency (CalEMA) to establish a reasonable, standard statewide examination fee, not to exceed \$300, for victims of sexual assault.
Authorize CalEMA to use, until January 1, 2014, VAWA/STOP federal funds to reimburse local agencies for examinations of victims of sexual assault.

SUMMARY OF CHANGES

Amendments to this bill since our analysis of the April 25, 2011 version provide for the development of a training course for local health care professionals on procedure to examine victims of sexual assault, require CalEMA to establish a reasonable, standard statewide examination fee, not to exceed \$300, for victims of sexual assault, and authorize CalEMA to use, until January 1, 2014, VAWA/STOP federal funds to reimburse local agencies for examinations of victims of sexual assault. Those amendments do not change our position:

Analyst/Principal Date Program Budget Manager Date
(0762) C. Hill Mark Hill

Department Deputy Director Date

Governor's Office: By: Date: Position Approved
Position Disapproved

BILL ANALYSIS Form DF-43 (Rev 03/95 Buff)

E. Corbett

August 15, 2011

SB 534

FISCAL SUMMARY

Finance estimates this bill would have no state General Fund impact. This bill would require Cal EMA to set the costs of the medical evidentiary examinations, which would necessitate the promulgation of regulations. Cal EMA estimates that it would require approximately 1.5 positions at the Assistant Governmental Program Analyst level (1.4 PYs - Limited Term) at an approximate cost of \$327,000. CalEMA could accomplish this task using the current VAWA administrative funding.

COMMENTS

Finance notes the following with regard to this bill:

- Existing practice throughout local California jurisdictions has been to provide these forensic exams upon request, but the requirement has not heretofore been codified. We are not aware of any instance where a requested exam has been denied.

Code/Department Agency or Revenue Type	(Fiscal Impact by Fiscal Year)									Fund Code
	SO	LA	CO	PROP	FC	2011-2012	FC	2012-2013	FC	
	RV	98								
0001/Major Rev	SO	No				-----	No/Minor Fiscal Impact	-----		0001
0690/Cal EMA	SO	No				-----	See Fiscal Summary	-----		0890
<u>Fund Code</u>	<u>Title</u>									
0001	General Fund									
0890	Trust Fund, Federal									