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Sex assault victims won't have to pay for rape kit exams under new Arizona law



Gov. Doug Ducey gives a briefing on wildfire safety at the state Capitol on March 31, 2022, in Phoenix, Ariz. Megan Mendoza/The Republic

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Published 3:55 p.m. MT April 14, 2022 | Updated 9:17 a.m. MT April 15, 2022

Health care facilities can no longer charge sexual assault victims for forensic exams, which some advocates say has happened in the past because of unclear statutes,

under a new Arizona law.

The legislation, Senate Bill 1593, prohibits health care institutions from billing victims for those exams, either directly or through a billing company. It also prohibits them from charging intake, consultation, facility or other additional fees for such exams.

SB 1593 passed the Arizona Legislature with no votes against. Arizona Gov. Doug Ducey signed it into law on April 6.

Arizona law already requires counties to pay for rape kits. This is in line with the national Violence Against Women Act, which conditions certain grant money on state or local governments paying the out-of-pocket costs for rape kits.

The new law requires counties to publish on their website the name of the official responsible for paying those expenses. It expands the list of sexual offenses for which counties are required to pay for forensic exams to include additional sex crimes against 15-to-17-year-olds that weren't included in the prior statute.

'Charging victims of sexual crimes for their medical examinations is shameful'

The bill's sponsor, Sen. Sine Kerr, R-Buckeye, told the Arizona Senate Judiciary Committee Feb. 17 that although it happens rarely, there have been cases where victims have been charged for rape kits, largely because the statutes were unclear. Kerr said SB 1593 would clarify the law to ensure victims aren't billed for rape kits.

Kerr told *The Arizona Republic* that the governor's office asked her to sponsor the legislation.

“Charging victims of sexual crimes for their medical examinations is shameful, and we cannot let it happen in Arizona,” Ducey said in an April 6 written statement.

“There is no other crime where a victim is charged for the collection of evidence — so thanks to the leadership and advocacy of Senator Kerr and community groups

across the state, we're tightening the law with Senate Bill 1593," he said.

"Sending victims of sexual abuse a bill for their examinations is an unacceptable and abusive practice," Kerr said in the news release. "Senate Bill 1593 will make sure it no longer happens in Arizona."



Republican state senator Sine Kerr, LD-13, as the Senate votes on bills related to the budget on the Senate floor at the Arizona State Capitol in Phoenix on June 22, 2021. *David Wallace/The Republic*

Trevor Umphress, executive director of the Arizona Child and Family Advocacy Network, which oversees best practices for advocacy centers in Arizona that deal with family violence and sexual assault, testified in favor of the bill before the Arizona Senate and House Judiciary committees.

Umphress told the House Judiciary Committee March 16 that even though counties are supposed to pay for rape kits, victims have received bills for consultation fees related to their rape kits.

“That individual did not choose to be a victim of sexual assault, and yet that took place,” Umphress said. “And then here to be re-victimized 30, 60 days later for a financial responsibility that per state statute is to be covered by the county attorney’s office is heinous.”

'We do not wish to highlight the facilities and/or counties where the no-charge policy is not being observed'

In the news release announcing the bill’s signing, the governor’s office said sexual assault victims have been charged as much as \$800 for a rape kit. Ducey made a similar claim in his 2022 State of the State Address, where he said some Arizona counties are charging victims up to \$800 in “processing charges” and sending the bill to collection agencies.

Christina Corieri, senior adviser to Gov. Ducey, told The Republic she believed the statement about processing charges was a reference to various situations where a county was supposed to pay for a rape kit but didn’t.

Corieri said the governor’s office has heard from advocates about victims being charged for rape kits. She said this can happen for various reasons, such as victims being charged facility fees or a county only paying for exams done at certain facilities. Corieri said the goal of the new law is to close any loophole that would allow a victim to be charged for a rape kit.

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The governor’s office shared with The Republic a letter it received Sept. 2 from Commission to Prevent Violence Against Women co-chairs Kate Brophy McGee and Elizabeth Ortiz and a second letter it received Feb. 2 signed by Brophy McGee, Umphress and National Center on Sexual Exploitation Senior Legal Counsel Peter Gentala. Both letters assert that in “several Arizona jurisdictions” victims are being

charged consultation fees for rape kits.

Neither letter names the facilities or jurisdictions where these fees have been charged.

"We do not wish to highlight the facilities and/or counties where the no-charge policy is not being observed. There may be misunderstandings about who pays or how a bill is paid. SB 1593 will clarify any misunderstandings," the Feb. 2 letter from Brophy McGee, Umphress and Gentala says.

"We also believe that disclosure will potentially damage the vital relationship between providers, facilities and county attorneys. In most instances, billings are handled appropriately — we need to correct the outliers where that does not take place."

The letter says naming the providers or jurisdictions could jeopardize victims' privacy.

The Arizona Mirror reported Jan. 24 that they'd contacted the 29 forensic exam facilities in Arizona and that all of the 17 that responded said they didn't charge victims consultation fees for rape kits.

The Mirror reported March 4 that they'd contacted the county attorney's offices for all 15 Arizona counties, and that all but one responded and said they were not aware of any recent cases of victims being charged fees for rape kits.

However, Umphress told The Republic that he has worked directly with sexual assault victims who have received bills. Umphress declined to name the facilities or jurisdictions where this has happened. However, he did say that this has been happening for several years.

At some facilities it was a rare occurrence, but for others it was standard practice, Umphress said. Victims would go to a facility and would be referred to another facility where the exam would be done, he said. The first facility would then bill the victim a consultation fee.

Umphress said his organization tried for several years to work with the facilities to stop this problem before bringing it to the governor's attention. He said they were able to work with some facilities to fix the issue, as those facilities realized that per statute they were not supposed to charge victims. Others, he said, interpreted the statute differently, which is why the new law is necessary.

“There's never a reason for any victim who has the courage to come forward to receive charges.” Umphress said.

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