

## **The S.C. law on evidentiary exams for victims of sexual assault**

***South Carolina law which follows the guidance of the Federal Violence Against Women Act Statute, provides that victims of assault in the State of South Carolina may request, at no cost to them, a forensic examination for sexual assault, regardless of their involvement with law enforcement.***

***Section 16-3-1350:*** *Medicolegal examinations for victims of criminal sexual conduct or child Sexual abuse.*

*The State must ensure that a victim criminal sexual conduct in any degree, or child sexual abuse must not bear the cost of his or her routine medicolegal exam following the assault.*

*(B) These exams must be standardized relevant to medical treatment and to gathering evidence from the body of the victim and must be based on and meet minimum standards for rape exam protocol as developed by the South Carolina Law Enforcement Division, the S.C. Hospital Association, and the Office of the Attorney General, S.C. Crime victim Services Division with production costs to be paid from funds appropriated for the Victim Compensation Fund. These exams must include treatment for sexually transmitted diseases, and must include medication for pregnancy prevention if indicated and if desired. SLED must distribute these exam kits to any licensed health care facility providing sexual assault exams. The law enforcement agency immediately must transport the victim to the nearest licensed health care facility which performs sexual assault exams. A health care facility providing sexual assault exams must use the standardized protocol described in this subsection.*

*(C) A licensed health care facility, upon completion of a routine sexual assault exam as described in subsection (B) performed on a victim of criminal sexual conduct in any degree, criminal sexual conduct with a minor in any degree, or child sexual abuse, may file a claim for reimbursement directly to the Office of the Attorney General, S.C. Victim Services Division, Department of Crime Victim compensation if the offense occurred in South Carolina. The department must develop procedures for health care facilities to follow when filing a claim with respect to the privacy of the victim. Health care facility personnel must obtain information necessary for the claim at the time of the exam, if possible. The department must reimburse eligible health care facilities directly from the fund.*

