

## Sexual Assault Exam Reimbursement (SAER) in Texas

A sexual assault exam reimbursement (SAER) is financial compensation for the costs associated with a medical forensic exam. Law enforcement agencies (exams prior to 9-1-2019) or medical facilities (exams on or after 9-1-2019) may submit SAER requests to the Texas Office of the Attorney General (OAG) for reimbursement through the Crime Victims' Compensation (CVC) Program.

### HISTORY AND BACKGROUND

**In 1994**, the Violence Against Women Act (VAWA) became federal law, prohibiting sexual assault victims from being charged for their own sexual assault exam.<sup>1</sup>

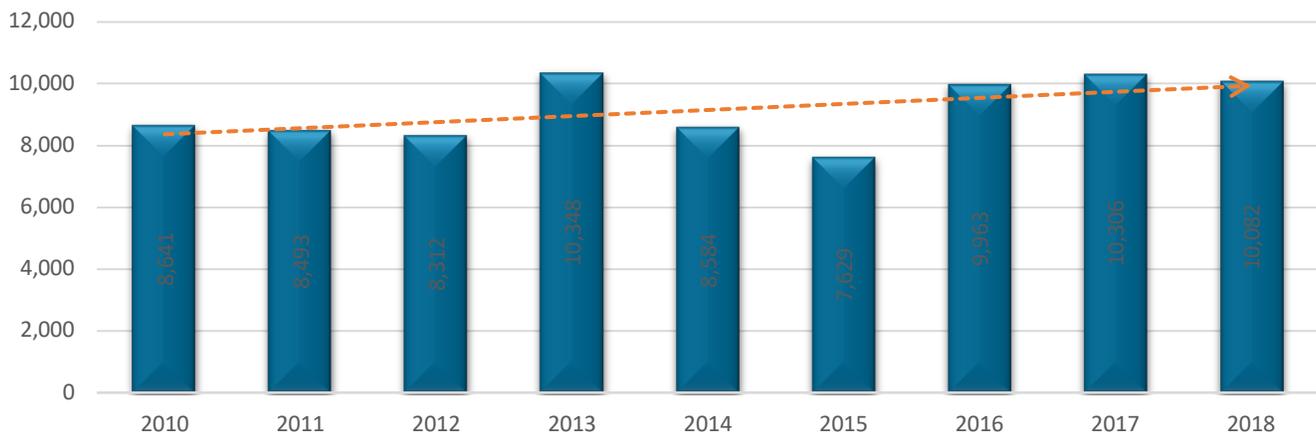
**In 2001**, the SAER program was created through House Bill (HB) 131, which allowed law enforcement to be reimbursed for sexual assault exams through the CVC program at the OAG.<sup>2</sup>

**In 2019**, HB 616 allowed medical facilities to submit SAER requests directly to the OAG.<sup>4</sup> Law enforcement is still permitted to submit SAER requests for exams conducted prior to 9-1-2019.

**Between 1994 and 2001**, Texas enacted statute changes in line with VAWA. Local law enforcement covered the cost of sexual assault exams.

**In 2016**, the maximum reimbursement for sexual assault exams increased from \$700 to \$1,000.<sup>3</sup>

### SAER Requests Per Year



- **82,000+** SAER requests were made in Texas between 2010 and 2018.
- **60%** of reimbursement requests were for exams of children 17 years or younger.

<sup>1</sup> Violence Against Women Act of 1994, 42 U.S.C. § 13701 *et seq.* (1994).

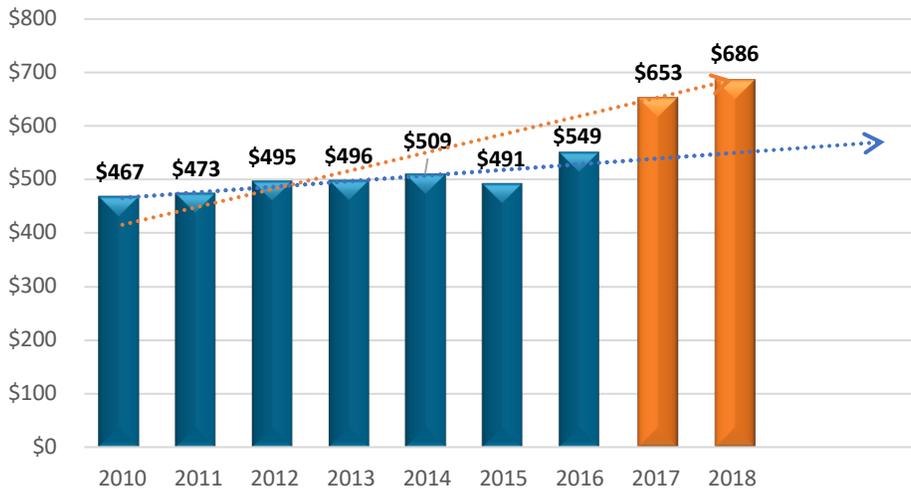
<sup>2</sup> Texas Code of Criminal Procedure § 56.06 (2001). <https://capitol.texas.gov/tlodocs/77R/billtext/html/HB00131F.htm>

<sup>3</sup> Texas Administrative Code § 61.801 (2002).

[https://texreg.sos.state.tx.us/public/readtac\\$ext.TacPage?sl=R&app=9&p\\_dir=&p\\_rloc=&p\\_tloc=&p\\_ploc=&pg=1&p\\_tac=&ti=1&pt=3&ch=61&rl=801](https://texreg.sos.state.tx.us/public/readtac$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=1&pt=3&ch=61&rl=801)

<sup>4</sup> H.B. No. 616, 86th Texas Legislature, 2019 Reg. Sess. (2019). <https://capitol.texas.gov/tlodocs/86R/billtext/pdf/HB00616F.pdf#navpanes=03>

### Average Reimbursement for a Sexual Assault Exam



- Total SAER payments from CVC, 2010–2018: **\$44,712,289**
- Total payments to or on behalf of victims from CVC, 2010–2018: **\$547,794,535**.
- SAER comprises **8.2%** of all CVC payments, 2010–2018.

The specific forensic procedures included in a sexual assault exam vary among survivors based on the nature of the assault. The OAG maintains a list of forensic services, procedures, and rates of reimbursement.<sup>5</sup> On July 15, 2016, Rule §61.801 was revised to increase the maximum SAER from \$700 to \$1,000.

### TRACK-KIT<sup>6</sup>



- On September 1, 2019, Track-Kit, Texas’ sexual assault evidence tracking program, went into effect.
- The system tracks the status and location of sexual assault kits statewide and is used by criminal justice practitioners and survivors.
- Participation in the tracking system is required of any entity that collects evidence of sexual assault or investigates or prosecutes such offenses.
- In its first full year of operation, 9,413 sexual assault kits were tracked through Track-Kit.<sup>7</sup>

### METHODS

These data are based on a review of all SAER requests received by the OAG between January 1, 2010 and December 31, 2018. Data sets were cleaned and then merged where appropriate. Additional variables were calculated, tables and explanatory text were created, and data were examined for patterns and trends over time.

### FUNDING

This project was funded by the Office of the Texas Governor (Grant No.3889501). The opinions, findings, and conclusions expressed in this publication are those of the authors and do not necessarily reflect those of the Office of the Texas Governor.

<sup>5</sup> Office of the Attorney General, State of Texas. (2019). *Sexual assault exam reimbursement guidelines*. Crime Victim Services Division. <https://www.texasattorneygeneral.gov/sites/default/files/files/divisions/crime-victims/SAER-Guidelines-9-2019.pdf>

<sup>6</sup> Permission requested to reprint Track-Kit logo.

<sup>7</sup> Texas Department of Public Safety. (2020, 3rd Quarter). *Sexual assault evidence tracking system*. Sexual Assault Evidence Tracking System Newsletter. [https://www.dps.texas.gov/CrimeLaboratory/documents/2020\\_3rdQtrNewsltr.pdf](https://www.dps.texas.gov/CrimeLaboratory/documents/2020_3rdQtrNewsltr.pdf)