

34 U.S. Code § 10449 - Rape exam payments

- [U.S. Code](#)
 - [Notes](#)
-

[prev](#) | [next](#)

(a) RESTRICTION OF FUNDS

(1) IN GENERAL A State, Indian tribal government, or [unit of local government](#) shall not be entitled to funds under this subchapter [\[1\]](#) unless the State, Indian tribal government, [unit of local government](#), or another governmental entity—

(A)

incurs the full out-of-pocket cost of forensic medical exams described in subsection (b) for victims of sexual assault; and

(B)

coordinates with health care providers in the region to notify victims of sexual assault of the availability of rape exams at no cost to the victims.

(2) REDISTRIBUTION

Funds withheld from a State or [unit of local government](#) under paragraph (1) shall be distributed to other States or units of local government pro rata. Funds withheld from an Indian tribal government under paragraph (1) shall be distributed to other Indian tribal governments pro rata.

(b) MEDICAL COSTS A State, Indian tribal government, or [unit of local government](#) shall be deemed to incur the full out-of-pocket cost of forensic medical exams for victims of sexual assault if any government entity—

(1)

provides such exams to victims free of charge to the victim; or

(2)

arranges for victims to obtain such exams free of charge to the victims.

(c) USE OF FUNDS

A State or Indian tribal government may use Federal grant funds under this subchapter to pay for forensic medical exams performed by trained examiners for victims of sexual assault, except that such funds may not be used to pay for forensic medical exams by any State, Indian tribal government, or territorial government that requires victims of sexual assault to seek reimbursement for such exams from their insurance carriers.

(d) NONCOOPERATION

(1) IN GENERAL

To be in compliance with this section, a State, Indian tribal government, or [unit of local government](#) shall comply with subsection (b) without regard to whether the victim participates in the [criminal justice](#) system or cooperates with law enforcement.

(2) COMPLIANCE PERIOD

States, territories, and Indian tribal governments shall have 3 years from the date of enactment of this Act¹ to come into compliance with this section.

(e) JUDICIAL NOTIFICATION

(1) IN GENERAL A State or [unit of local government](#) shall not be entitled to funds under this subchapter unless the State or [unit of local government](#)—

(A)

certifies that its judicial administrative policies and practices include notification to domestic violence offenders of the requirements delineated in section 922(g)(8) and (g)(9) of title 18 and any applicable related Federal, State, or local laws; or

(B) gives the [Attorney General](#) assurances that its judicial administrative policies and practices will be in compliance with the requirements of subparagraph (A) within the later of—

(i)

the period ending on the date on which the next session of the State legislature ends; or

(ii)

2 years.

(2) REDISTRIBUTION

Funds withheld from a State or [unit of local government](#) under subsection (a) shall be distributed to other States and units of local government, pro rata.

([Pub. L. 90-351, title I, § 2010](#), formerly § 2005, as added [Pub. L. 103-322, title IV, § 40121\(a\)\(3\)](#), Sept. 13, 1994, [108 Stat. 1914](#); renumbered § 2010, [Pub. L. 107-273, div. A, title IV, § 402\(2\)](#), Nov. 2, 2002, [116 Stat. 1789](#); amended [Pub. L. 108-405, title III, § 310\(b\)](#), Oct. 30, 2004, [118 Stat. 2276](#); [Pub. L. 109-162, title I, § 101\(f\)](#), Jan. 5, 2006, [119 Stat. 2974](#); [Pub. L. 109-271, § 2\(j\)](#), Aug. 12, 2006, [120 Stat. 753](#); [Pub. L. 113-4, title I, § 101\(4\)](#), Mar. 7, 2013, [127 Stat. 69](#).)