

February 27, 2026

Sexual Assault Response Network Committee
Montana Department of Justice Division of Criminal Investigation
2225 11th Avenue
Helena, MT 59601

Law and Justice Interim Committee
Montana Legislative Services Division
PO Box 201706
Helena, MT 59620-1706

Dear Chair Regier,

House Bill 79, 2023, tasked the Sexual Assault Response Network (SARN) Committee with reviewing Montana's 20-year-old process for paying for the cost of sexual assault forensic exams. Enacted by the 2005 Legislature in response to the federal Violence Against Women Act, which prohibited victims from being billed for the cost of evidence collection, 46-15-411, MCA, requires local law enforcement agencies to pay when they request the exam or when evidence obtained is used for the investigation, prosecution, or resolution of an offense. Meanwhile, the Department of Justice's (DOJ) Forensic Rape Examination Payment Program (FREPP) pays for exams not reported to law enforcement.

Since 2005, FREPP has paid up to \$600 per exam, with healthcare facilities generally billing law enforcement agencies the same amount, or less, at a loss of hundreds to even thousands of dollars in unrecovered expenses per exam. After an extensive review of actual costs, other states' exam payment rates and structures, and feedback from healthcare facilities and law enforcement agencies across Montana, the SARN Committee stands in full support of updating the law to a single-payor system with a dedicated budget.

The actual cost of an exam routinely exceeds \$1,000; the average cost of detailed invoices received by FREPP in 2023 and 2024 was \$2,090 per exam. Total yearly expenses are hard for law enforcement agencies to predict. Montana is one of two states (along with Colorado) where law enforcement is responsible for the cost without an opportunity to be reimbursed by the state. Idaho, North Dakota, and Wyoming all have single-payor systems.

Currently, FREPP stocks healthcare facilities with sexual assault evidence kits and pays for exams not reported to law enforcement using state general funds appropriated to the DOJ's Crime Victims Compensation Program at the expense of paying other crime-related costs for victims. A dedicated budget that allows FREPP to pay for all types of sexual assault forensic exams would alleviate pressure on law enforcement budgets and help make healthcare facilities more whole while simplifying the billing process for everyone.

The SARN Committee appreciates the Attorney General's Office outreach to LJIC to consider taking up this issue as committee-sponsored legislation. We stand ready to assist. Thank you for your consideration of this critically important topic.

Sincerely,
The SARN Committee

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