

**1.800.656.4673**

The 2005 Reauthorization of the Violence Against Women's ACT (VAWA) and South Carolina Act 59 allow rape victims time to decide whether to pursue their case. Rape is a traumatic event. Sometimes a victim is not able to decide if they want to report the crime to police and begin an investigation immediately following the rape. Forensic evidence used in investigations and prosecution of a rape can be lost over time. Victims should have evidence collected as soon as possible. This can be accomplished through a medico-legal examination (also known as a "forensic evidence collection kit," or "rape kit") at a hospital emergency room. This type of exam also provides victims with medical treatment for injuries they may not be able to see or feel. Following the exam, a rape victim can take up to one year to decide whether or not they want to make a report to law enforcement.

Contact SCCADVASA at 800.260.9293 or 803.256.2900 for additional information.

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**SCCADVASA**  
The South Carolina Coalition Against  
Domestic Violence & Sexual Assault

**RAPE**  
is a violent crime

**Report it  
ANONYMOUSLY**

**If you are a victim of rape, go to  
a hospital emergency room.  
Health and safety are the major  
concerns.**

- Immediate medical attention for injuries you can't see or feel
- Prevention of STDs and pregnancy
- Forensic evidence collection kit and medical exam at no cost to the victim
- Options: NEW ANONYMOUS REPORTING OPTION FOR VICTIMS or traditional law enforcement involved report
- Medical evidence is extremely helpful if you decide to prosecute and this is your ONLY time to collect it

**SCCADVASA**

The South Carolina Coalition Against  
Domestic Violence & Sexual Assault



**1.800.656.HOPE (4673)**  
to be connected to your local  
rape crisis program.

**Free. Confidential. 24/7.**

## Medico-legal Examination of the Victim and Forensic Evidence Collection:

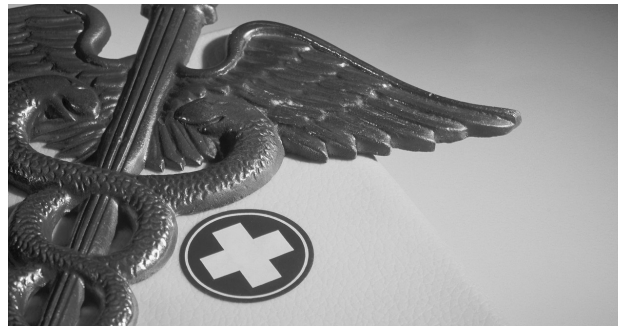
When an adult victim of rape (age 18 or older) goes to the hospital emergency room, law enforcement, or tells a rape crisis program victim advocate that she/he has been raped, the victim will be advised of both options available for reporting the rape.

### The options available to the victim are:

- 1) the traditional reporting option, when a law enforcement agency is contacted, a police report is made, and police begin an investigation; and
- 2) the new anonymous reporting option which does not include law enforcement contact but during which a Sexual Assault Nurse Examiner or other qualified medical provider shall perform the rape kit, evidence is collected and can be stored for a period of up to one year or until the time a victim initiates a police report and investigation, whichever comes first. This option provides the victim time to decide if she/he wants to move forward with the police report and investigation once the initial trauma of the rape has lessened.

**IMPORTANT NOTE:** If the person who raped the victim is the victim's legal spouse, the victim has only thirty (30) days to report to law enforcement under South Carolina law.

The State must make certain that a victim of any rape must not pay for the cost of her/his medico-legal exam after the rape. The exam must include treatment for sexually transmitted diseases, and must include medication for pregnancy prevention if necessary and wanted by the victim. Hospital or medical provider charges for evidence collection, whether the victim decides to report to police or chooses the anonymous reporting protocol, will be paid for by the South Carolina Office of Victim Assistance (SOVA) as long as the evidence is collected. Charges for medical services not included in the rape kit will be the responsibility of the victim.



### Testing alleged rape offenders for Human Immunodeficiency Virus (HIV) and Hepatitis B:

Upon *arrest* of the alleged rape offender, and at the victim's request, the alleged offender will be tested for Human Immunodeficiency Virus (HIV), and Hepatitis B. The test results for HIV and Hepatitis B will be provided to the victim or the legal guardian of a victim who is mentally retarded or mentally incapacitated and the victim's attorney.



The South Carolina Department of Health and Environmental Control (DHEC) must provide counseling to the victim, tell the victim about available medical treatment options, refer the victim to the correct healthcare and support services and, at the request of the victim or the legal guardian of a victim, test the victim for HIV and Hepatitis B and provide post-testing counseling to the victim. The Department of Health and Environmental Control will provide the victim with the results and available treatment options and provide post-testing counseling.

### A Rape Victim may not be required to undergo polygraph examination as a condition of continuing with the police investigation, charging the alleged rape offender or prosecuting the alleged rape:

A law enforcement officer, prosecuting officer or other governmental official may request a victim of an alleged rape to submit to a polygraph exam or other truth telling device if the credibility of the victim is in question; however, the law enforcement officer, prosecuting officer or other governmental official is prohibited from using such an examination as a condition of continuing the investigation, charging the alleged offender, or prosecution of the alleged rape.

