WEST VIRGINIA CODE: §15-9B-1A

§15-9B-1a. Definitions.

As used in this article:

“Biological evidence” includes a sexual assault forensic examination kit, semen, blood, saliva, hair, skin tissue, or other identified biological material.

“DNA” means deoxyribonucleic acid. DNA is located in the nucleus of cells and provides an individual’s personal genetic blueprint. DNA encodes genetic information that is the basis of human heredity and forensic identification.

"Hospital" means a facility licensed pursuant to the provisions of §16-5B-1 *et seq*. of this code that primarily provides inpatient diagnostic, treatment, or rehabilitative services to the injured, disabled, or sick persons under the supervision of physicians with a 24-hour emergency department.

"Nonreported kit" means a kit collected from an alleged victim who has consented to the collection of the kit, but has not consented to participation in the criminal justice process.

"Sexual assault forensic examination kit" or "kit" means a set of materials, including, but not limited to, swabs and tools for collecting blood samples, clothing, or other materials used to gather forensic evidence from a victim of a reported sexual offense and the evidence obtained with the materials.

"Sexual offense" means any offense or attempted offense in the jurisdiction of the state in which a sexual assault forensic examination kit is collected, including, but not limited to, the following sections:

(A) §61-8-12 of this code;

(B) §61-8A-2 of this code;

(C) §61-8A-4 of this code;

(D) §61-8A-5 of this code;

(E) Any offenses listed in §61-8B-1 *et seq*. of this code;

(F) Any offenses listed in §61-8C-1 *et seq*. of this code;

(G) Any offenses listed in §61-8D-1 *et seq*. of this code.

"Unfounded" means evidence developed after reasonable investigation and supported by

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proper documentation proving no crime occurred or where the alleged victim has recanted.

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