ENROLLED
Com. Sub. for
HOUSE BILL No. 2170
(By Del. Filanigon & Basham)

Passed April 7, 1989
In Effect Ninety Days from Passage
ENROLLED
COMMITTEE SUBSTITUTE
FOR
H. B. 2170
(By Delegates Flanagan and Basham)

[Passed April 7, 1989; in effect ninety days from passage.]

AN ACT to amend and reenact section two, article five-b, chapter seventeen-c of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to permitting postmortem blood alcohol tests as admissible evidence; disclosure of data compiled from blood alcohol test results; and disclosure of identities of decedents tested.

Be it enacted by the Legislature of West Virginia:

That section two, article five-b, chapter seventeen-c of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 5B. POSTMORTEM TESTS FOR ALCOHOL IN PERSONS KILLED IN MOTOR VEHICLE ACCIDENTS.

§17C-5B-2. To whom and how county medical examiners report results of blood tests; such reports admissible as evidence; use of reports for statistical and highway safety purposes.

1 Each county medical examiner shall immediately
2 report the results of each blood test conducted under the
3 authority of section one of this article by him, or
4 conducted at his request, to the chief medical examiner
of the office of medical examinations and to the department of public safety. Results of such blood test or any report thereof may be admissible in evidence, if material, in any action or proceeding of any kind in any court or before any tribunal, board or agency.

The department of public safety shall compile the data from all such reports submitted to it on a monthly basis. The department shall forward such compilations to the governor's highway safety administration and the department of motor vehicles. Such compilations shall be for statistical purposes and highway safety information and be disclosed or revealed in any manner necessary. The identity of any dead person whose blood was tested under the provisions of section one of this article may be disclosed or revealed when necessary for evidence in any action or proceeding of any kind in any court or before any tribunal, board or agency.

The department of public safety, the governor's highway safety administration and the department of motor vehicles shall make use of such compilations in a manner to provide accurate and useful statistical information to government and the public relative to achieving a reduction in motor vehicle accidents arising in whole or in part from the imbibing of alcohol by motor vehicle drivers and adult pedestrians.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

[Signature]
Chairman Senate Committee

[Signature]
Chairman House Committee

Originating in the House.
Takes effect ninety days from passage.

[Signature]
Clerk of the Senate

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Clerk of the House of Delegates

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President of the Senate

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Speaker of the House of Delegates

The within is approved this the 24th day of April, 1989.

[Signature]
Governor