

NO. 2170

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1989



ENROLLED

Com. Sub. for
HOUSE BILL No. 2170

(By ~~the~~ Del. Flanigan & Basham)



Passed April 7, 1989

In Effect Ninety Days from Passage

ENROLLED
COMMITTEE SUBSTITUTE
FOR
H. B. 2170

(By DELEGATES FLANIGAN 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

5 of the office of medical examinations and to the
6 department of public safety. Results of such blood test
7 or any report thereof may be admissible in evidence, if
8 material, in any action or proceeding of any kind in any
9 court or before any tribunal, board or agency.

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

22 The department of public safety, the governor's
23 highway safety administration and the department of
24 motor vehicles shall make use of such compilations in
25 a manner to provide accurate and useful statistical
26 information to government and the public relative to
27 achieving a reduction in motor vehicle accidents arising
28 in whole or in part from the imbibing of alcohol by
29 motor vehicle drivers and adult pedestrians.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Frederick S. Hanson
Chairman Senate Committee

F. L. Satter
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Isaac C. Wells
Clerk of the Senate

Donald G. Kopp
Clerk of the House of Delegates

Sam P. Tomlinson
President of the Senate

Robert C. Byrd
Speaker of the House of Delegates

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

Gaston Caperton
Governor

PRESENTED TO THE

GOVERNOR

Date 4/19/89

Time 10:32