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SENATE OF WEST VIRGINIA

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1999



ENROLLED

SENATE BILL NO. 643

(By Senator KESSLER)



PASSED MARCH 12, 1999

In Effect NINETY DAYS FROM Passage

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SENATE OF WEST VIRGINIA

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Senate Bill No. 643

(BY SENATOR KESSLER)

[Passed March 12, 1999; in effect ninety days from passage.]

AN ACT to amend and reenact section sixteen, article eight-b, chapter sixty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to providing greater discretion to the West Virginia prosecuting attorneys institute in the processing of forensic medical examinations and the payment of costs from the forensic medical examination fund.

Be it enacted by the Legislature of West Virginia:

That section sixteen, article eight-b, chapter sixty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 8B. SEXUAL OFFENSES.

§61-8B-16. Payment for costs of forensic medical examination.

- 1 (a) When any person alleges that he or she has been the
- 2 victim of an offense proscribed by this article, the West
- 3 Virginia prosecuting attorneys institute shall pay to a

4 licensed medical facility from the forensic medical exami-
5 nation fund the cost of the forensic medical examination
6 for this person on the following conditions and in the
7 following manner:

8 (1) The payment shall cover all reasonable, customary
9 and usual costs of the forensic medical examination;

10 (2) The costs of additional nonforensic procedures
11 performed by the licensed medical facility, including, but
12 not limited to, prophylactic treatment, treatment of
13 injuries, testing for pregnancy and testing for sexually
14 transmitted diseases, may not be paid from the fund;

15 (3) The forensic medical examination must have been
16 conducted within a reasonable time of the alleged viola-
17 tion;

18 (4) The licensed medical facility must apply for payment
19 of the costs of a forensic medical examination from the
20 fund within a reasonable time of the examination;

21 (5) The licensed medical facility shall submit a statement
22 of charges to the prosecuting attorney in the county in
23 which the alleged offense occurred and the prosecuting
24 attorney shall certify, if proper, that the forensic medical
25 examination was conducted as a part of a criminal investi-
26 gation; and

27 (6) The prosecuting attorney shall, within sixty days of
28 receipt of a statement of charges from the licensed medical
29 facility, forward the statement of charges and the certifi-
30 cation to the West Virginia prosecuting attorneys institute
31 for payment from the fund and for the reimbursement of
32 the institute from the fund for the reasonable costs of
33 processing and recording the payment.

34 (b) No licensed medical facility may collect the costs of
35 a forensic medical examination from the victim of an
36 alleged violation of this article if the reasonable, custom-
37 ary and usual costs of the forensic medical examination
38 qualifies for payment from the forensic medical examina-
39 tion fund as set forth in subsection (a) of this section.

That 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 Senate.

In effect ninety days from passage.

[Signature]
.....
Clerk of the Senate

[Signature]
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Clerk of the House of Delegates

[Signature]
.....
President of the Senate

[Signature]
.....
Speaker House of Delegates

The within *approved* this the *27th*
March
Day of, 1999

[Signature]
.....
Governor

PRESENTED TO THE

GOVERNOR

Date 3/23/99

Time 10:57 am