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FILED

2007 APR -4 AM 11:17

OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE
SEVENTY-EIGHTH LEGISLATURE
REGULAR SESSION, 2007

ENROLLED
Committee Substitute for
Senate Bill No. 512

(SENATORS KESSLER AND OLIVERIO, *original sponsors*)

[Passed March 6, 2007; in effect ninety days from passage.]

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COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 512

(SENATORS KESSLER AND OLIVERIO, *original sponsors*)

[Passed March 6, 2007; in effect ninety days from passage.]

AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §62-6-8, relating to prohibiting law-enforcement officers or prosecutors from asking or requiring an adult, youth or child victim of an alleged sexual offense to submit to a polygraph examination or other truth-testing device as a condition for proceeding with the investigation of the offense; and establishing that refusal to undergo such testing shall not prevent investigation of the offense.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §62-6-8, to read as follows:

ARTICLE 6. MISCELLANEOUS PROVISIONS CONCERNING CRIMINAL PROCEDURE.

§62-6-8. Alleged victim of sexual offense may not be required to submit to a polygraph examination or other truth telling device as a condition of investigating an alleged offense nor may prosecutors or law-enforcement officers decline to proceed if the victim refuses such examination.

1 No law-enforcement officer, prosecutor or any other
2 government official may ask or require the adult, youth
3 or child victim of an alleged sexual offense, as set forth
4 in the provisions of section six, article eight, chapter
5 sixty-one of this code; section six, article twelve of said
6 chapter; section five, article eight-d of said chapter; and
7 article eight-b of said chapter, or any other sexual
8 offense as defined under state or local law, to submit to
9 a polygraph examination or other truth-testing
10 examination as a condition for proceeding with the
11 investigation of the alleged offense. No law-
12 enforcement officer, prosecutor or any other
13 government official may refuse to proceed with an
14 investigation, warrant, indictment, information or
15 prosecution of the alleged offense because the alleged
16 victim refused to submit to such an examination.

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


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Chairman Senate Committee


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Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

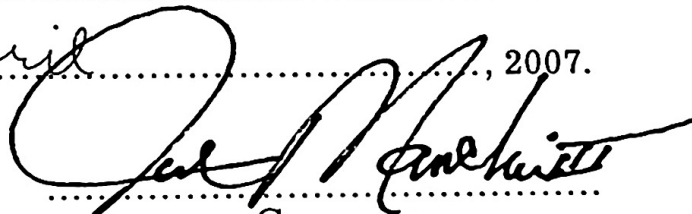

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Clerk of the Senate


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Clerk of the House of Delegates


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President of the Senate


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Speaker House of Delegates

The within *is approved* this
the *3rd* Day of *April*, 2007.


.....
Governor

PRESENTED TO THE
GOVERNOR

MAR 20 2007

Time

4.00 pm