

Introduced by

Senators Cleary, Larson

Representatives Hanson, O'Brien, Satrom, Schneider

1 A BILL for an Act to amend and reenact section 12.1-34-07 of the North Dakota Century Code,
2 relating to the expansion of medical examinations of victims of criminal conduct.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 12.1-34-07 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **12.1-34-07. Medical screening and acute forensic medical examinations costs -**
7 **Reimbursement by attorney general - Use of evidence.**

- 8 1. An acute forensic medical examination is an examination performed on an alleged
9 victim of criminal sexual conduct or domestic violence for the purpose of gathering
10 evidence of an alleged crime and is performed within ~~ninety-six~~ one hundred twenty
11 hours after the alleged crime unless good cause is shown for the delay in performing
12 the examination. When an acute forensic medical examination is performed, the costs
13 incurred by a health care facility or health care professional for performing the acute
14 forensic medical examination or any preliminary medical screening examination may
15 not be charged, either directly or through a third-party payer, to the alleged victim.
- 16 2. A child forensic medical examination is an examination performed on an alleged child
17 victim of criminal sexual conduct, physical abuse, or neglect for the purpose of
18 gathering evidence of an alleged crime. When a child forensic medical examination is
19 performed, the costs incurred by a health care facility or health care professional for
20 performing the child forensic medical examination or any preliminary medical
21 screening examination may not be charged, either directly or through a third-party
22 payer, to the alleged child victim or the child's parent, guardian, or custodian.
- 23 3. Upon submission of appropriate documentation, the attorney general, within the limits
24 of legislative appropriations, shall reimburse the health care facility or a health care

- 1 professional for the reasonable costs incurred in performing the medical screening and
2 acute forensic medical examination. The attorney general, subject to legislative
3 appropriations, shall reimburse each accredited children's advocacy center located in
4 the state for a forensic interview that is not reimbursable by Medicaid or crime victims
5 compensation.
- 6 4. Evidence obtained during a medical examination under this section may not be used
7 against an alleged victim for the prosecution of the alleged victim for a separate
8 offense.