

February 3, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

**PROPOSED AMENDMENTS TO
FIRST ENGROSSMENT**

ENGROSSED SENATE BILL NO. 2209

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; and to provide
3 an appropriation.

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

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

7 **12.1-34-07. Medical screening and acute forensic medical examinations costs -**

8 **Reimbursement by attorney general - Use of evidence.**

- 9 1. An acute forensic medical examination is an examination performed on an alleged
10 victim of criminal sexual conduct or domestic violence for the purpose of gathering
11 evidence of an alleged crime and is performed within ~~ninety-six~~one hundred twenty
12 hours after the alleged crime unless good cause is shown for the delay in performing
13 the examination. When an acute forensic medical examination is performed, the costs
14 incurred by a health care facility or health care professional for performing the acute
15 forensic medical examination or any preliminary medical screening examination may
16 not be charged, either directly or through a third-party payer, to the alleged victim.
- 17 2. A child forensic medical examination is an examination performed on an alleged child
18 victim of criminal sexual conduct, physical abuse, or neglect for the purpose of
19 gathering evidence of an alleged crime. When a child forensic medical examination is
20 performed, the costs incurred by a health care facility or health care professional for

1 performing the child forensic medical examination or any preliminary medical
2 screening examination may not be charged, either directly or through a third-party
3 payer, to the alleged child victim or the child's parent, guardian, or custodian.

4 3. Upon submission of appropriate documentation, the attorney general, within the limits
5 of legislative appropriations, shall reimburse the health care facility or a health care
6 professional for the reasonable costs incurred in performing the medical screening and
7 acute forensic medical examination. The attorney general, subject to legislative
8 appropriations, shall reimburse each accredited children's advocacy center located in
9 the state for a forensic interview that is not reimbursable by Medicaid or crime victims
10 compensation.

11 4. Evidence obtained during a medical examination under this section may not be used
12 against an alleged victim for the prosecution of the alleged victim for a separate
13 offense.

14 **SECTION 2. APPROPRIATION - ATTORNEY GENERAL - DOMESTIC VIOLENCE**

15 **FORENSIC MEDICAL EXAMINATION ~~GRANT PROGRAM~~ - REPORTS.** There is appropriated
16 out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum
17 of \$200,000, or so much of the sum as may be necessary, to the attorney general in a domestic
18 violence examinations line item for the purpose of ~~of providing the~~ domestic violence forensic
19 medical examination program ~~grants~~ for community-based or hospital-based domestic violence
20 examiner programs and related administrative costs, for the biennium beginning July 1, 2025,
21 and ending June 30, 2027. Any organization that receives ~~a grant~~ funding under this section
22 shall report to the attorney general and the appropriations committees of the seventieth
23 legislative assembly on the use of the funds received and the outcomes of its programs. The
24 attorney general shall report to the appropriations committees of the seventieth legislative
25 assembly on the number of ~~nurses trained, the number and location of nurses providing~~
26 ~~services related to~~ victims receiving domestic violence forensic medical ~~examination~~
27 ~~programs, examinations~~ and documentation of collaborative efforts to assist victims, which
28 includes nurses, the hospital or clinic, law enforcement, and state's attorneys.