

Sixtieth
Legislative Assembly
of North Dakota

REENGROSSED SENATE BILL NO. 2103

Introduced by

Senators Lyson, Dever, Heckaman

Representatives Carlisle, Porter

1 A BILL for an Act to create and enact a new section to chapter 12.1-34 of the North Dakota
2 Century Code, relating to the cost of forensic medical examinations for alleged victims of sexual
3 assault; to provide an appropriation; and to declare an emergency.

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

5 **SECTION 1.** A new section to chapter 12.1-34 of the North Dakota Century Code is
6 created and enacted as follows:

7 **Forensic medical examinations costs - Reimbursement by attorney general - Use**
8 **of evidence.**

9 1. When a forensic medical examination is performed on an alleged victim of criminal
10 sexual conduct for the purpose of gathering evidence of an alleged crime, the
11 costs incurred by a health care facility or health care professional for performing
12 the examination may not be charged, either directly or through a third-party payer,
13 to the alleged victim.

14 2. Upon submission of appropriate documentation, the attorney general, within the
15 limits of legislative appropriations, shall reimburse the health care facility or a
16 health care professional for the reasonable costs incurred in performing an
17 examination.

18 3. Evidence obtained during a forensic medical examination may not be used against
19 an alleged victim for the prosecution of the alleged victim for a separate offense.

20 **SECTION 2. APPROPRIATION.** There is appropriated out of any moneys in the
21 insurance regulatory trust fund in the state treasury, not otherwise appropriated, the sum of
22 \$500,000, or so much of the sum as may be necessary, to the attorney general for the purpose
23 of reimbursing health care facilities and health care professionals for the costs of performing

- 1 forensic medical examinations on alleged victims of criminal sexual conduct, for the biennium
- 2 beginning July 1, 2007, and ending June 30, 2009.
- 3 **SECTION 3. EMERGENCY.** This Act is declared to be an emergency measure.