

SECOND ENGROSSMENT
with House Amendments

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 acute forensic medical examinations for alleged victims of
3 sexual 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 **Acute forensic medical examinations costs - Reimbursement by attorney general**

8 **- Use of evidence.**

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

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

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