

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

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

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

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

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

SECTION 2. APPROPRIATION - ATTORNEY GENERAL - DOMESTIC VIOLENCE

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