

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

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 PROGRAM - REPORTS.** There is appropriated out of
16 any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of
17 \$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 the domestic violence forensic medical
19 examination program for community-based or hospital-based domestic violence examiner
20 programs and related administrative costs, for the biennium beginning July 1, 2025, and ending
21 June 30, 2027. Any organization that receives funding under this section shall report to the
22 attorney general and the appropriations committees of the seventieth legislative assembly on
23 the use of the funds received and the outcomes of its programs. The attorney general shall
24 report to the appropriations committees of the seventieth legislative assembly on the number of
25 victims receiving domestic violence forensic medical examinations and documentation of
26 collaborative efforts to assist victims, which includes nurses, the hospital or clinic, law
27 enforcement, and state's attorneys.