

**SECOND ENGROSSMENT
with Conference Committee 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. An acute forensic medical examination is an examination performed on an alleged
10 victim of criminal sexual conduct for the purpose of gathering evidence of an
11 alleged crime and is performed within ninety-six hours after the alleged crime
12 unless good cause is shown for the delay in performing the examination. When an
13 acute forensic medical examination is performed, the costs incurred by a health
14 care facility or health care professional for performing the examination may not be
15 charged, either directly or through a third-party payer, to the alleged victim.
- 16 2. Upon submission of appropriate documentation, the attorney general, within the
17 limits of legislative appropriations, shall reimburse the health care facility or a
18 health care professional for the reasonable costs incurred in performing an
19 examination.
- 20 3. Evidence obtained during an acute forensic medical examination may not be used
21 against an alleged victim for the prosecution of the alleged victim for a separate
22 offense.

23 **SECTION 2. APPROPRIATION.** There is appropriated out of any moneys in the
24 insurance regulatory trust fund in the state treasury, not otherwise appropriated, the sum of

1 \$500,000, or so much of the sum as may be necessary, to the attorney general for the purpose
2 of reimbursing health care facilities and health care professionals for the costs of performing
3 acute forensic medical examinations on alleged victims of criminal sexual conduct, for the
4 biennium beginning July 1, 2007, and ending June 30, 2009.

5 **SECTION 3. EMERGENCY.** This Act is declared to be an emergency measure.