

Introduced by

Senators Lyson, Fischer, Seymour

Representatives Delmore, S. Meyer, Mueller, Porter

1 A BILL for an Act to amend and reenact section 12.1-34-07 of the North Dakota Century Code,
2 relating to reimbursement for medical screening examinations that precede child forensic
3 medical examinations and acute forensic medical examinations; to provide an appropriation;
4 and to declare an emergency.

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

6 **SECTION 1. AMENDMENT.** Section 12.1-34-07 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **12.1-34-07. Acute Medical screening and acute forensic medical examinations**
9 **costs - Reimbursement by attorney general - Use of evidence.**

- 10 1. An acute forensic medical examination is an examination performed on an alleged
11 victim of criminal sexual conduct for the purpose of gathering evidence of an
12 alleged crime and is performed within ninety-six hours after the alleged crime
13 unless good cause is shown for the delay in performing the examination. When an
14 acute forensic medical examination is performed, the costs incurred by a health
15 care facility or health care professional for performing the acute forensic medical
16 examination or any preliminary medical screening examination may not be
17 charged, either directly or through a third-party payer, to the alleged victim.
- 18 2. A child forensic medical examination is an examination performed on an alleged
19 child victim of criminal sexual conduct for the purpose of gathering evidence of an
20 alleged crime. When a child forensic medical examination is performed, the costs
21 incurred by a health care facility or health care professional for performing the child
22 forensic medical examination or any preliminary medical screening examination
23 may not be charged, either directly or through a third-party payer, to the alleged
24 child victim or the child's parent, guardian, or custodian.

1 3. Upon submission of appropriate documentation, the attorney general, within the
2 limits of legislative appropriations, shall reimburse the health care facility or a
3 health care professional for the reasonable costs incurred in performing ~~an~~ the
4 medical screening and acute forensic medical examination.

5 ~~3.~~ 4. Evidence obtained during ~~an acute forensic~~ a medical examination under this
6 section may not be used against an alleged victim for the prosecution of the
7 alleged victim for a separate offense.

8 **SECTION 2. APPROPRIATION.** There is appropriated out of any moneys in the
9 general fund in the state treasury, not otherwise appropriated, the sum of \$660,000, or so much
10 of the sum as may be necessary, to the attorney general for the purpose of reimbursing health
11 care facilities and health care professionals for the costs of performing preliminary medical
12 screening examinations, child forensic medical examinations, and acute medical examinations
13 on alleged victims of criminal sexual conduct, for the biennium beginning July 1, 2009, and
14 ending June 30, 2011.

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