

HOUSE CONCURRENT RESOLUTION NO. 114

(By Delegates Sobonya, Poore, Guthrie, Sumner,
C. Miller, L. Phillips, Brown, D. Campbell, Fleischauer,
Hatfield, Lawrence, Longstreth, Mahan, Marshall,
Pasdon, M. Poling, Rowan, Smith and Storch)

Requesting the Joint Committee on Government and Finance study the
the need for legislation to create a uniform system for
collection of forensic data and providing medical treatment to
victims of sex crimes in hospitals and other examination
facilities.

WHEREAS, Other states, including our neighboring Kentucky,
provide for a uniform system whereby all hospitals that provide
emergency services have a legal duty to provide sexual assault-
forensic examinations (SANE Exams), which are examinations
performed on victims of sex crimes where both the medical needs are
addressed and forensic samples are gathered; and

WHEREAS, These states require sexual assault-forensic
examinations to be conducted by physicians or sexual assault nurse
examiners (SANEs), who are registered nurses with specialized
credentials to perform SANE Exams on sex crime victims; and

WHEREAS, These states provide that hospitals may not deny a
SANE Exam to a victim of a sex crime because the victim chooses not
to file a police report or otherwise participate in the criminal
justice system so that crucial evidence is preserved if the victim
subsequently has a change of heart; and

1 WHEREAS, These states provide SANE Examination kits at no
2 charge to hospitals and other examination facilities to ensure
3 their availability when the kits are needed; and

4 WHEREAS, A uniform system of providing such sexual assault-
5 forensic examinations by physicians or sexual assault nurse
6 examiners throughout the state is needed to protect the health and
7 well-being of victims of sex crimes and to facilitate successful
8 prosecution of sex crime offenders; therefore, be it

9 *Resolved by the Legislature of West Virginia:*

10 That the Joint Committee on Government and Finance is hereby
11 requested to conduct a study of the need for legislation to create
12 a uniform system for collection of forensic data and providing
13 medical treatment for victims of sex crimes in hospitals and other
14 examination facilities; and, be it

15 *Further Resolved,* That the Joint Committee on Government and
16 Finance report to the Legislature, on the first day of the regular
17 session, 2012 on its findings, conclusions and recommendations
18 together with drafts of any legislation to effectuate its
19 recommendations; and, be it

20 *Further Resolved,* That the expenses necessary to conduct this
21 study, to prepare a report, and to draft necessary legislation be
22 paid from legislative appropriations to the Joint Committee on
23 Government and Finance.