

WEST VIRGINIA LEGISLATURE

2021 REGULAR SESSION

Introduced

House Bill 3172

BY DELEGATES YOUNG, THOMPSON, BARACH, GRIFFITH,

AND LOVEJOY

[Introduced March 15, 2021; Referred to the
Committee on Health and Human Resources then the
Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
 2 designated §15-5B-20, relating to sexual assault forensic exams (rape kits), requiring
 3 hospitals to staff qualified health care providers to conduct sexual assault forensic
 4 examinations and to collect sexual assault forensic examination kits.

Be it enacted by the Legislature of West Virginia:

ARTICLE 5B. MINE AND INDUSTRIAL ACCIDENT RAPID RESPONSE SYSTEM.

§15-5B-20. Required Forensic Exam Staff.

1 (a) Definitions. –

2 “Sexual assault forensic examination kit” or “kit” means a set of materials, including, but
 3 not limited to, swabs and tools for collecting blood samples, clothing, or other materials used to
 4 gather forensic evidence from a victim of a reported sexual offense and the evidence obtained
 5 with the materials, as also defined by §15-9B-1A(4) of this code, and as adopted by The Sexual
 6 Assault Forensic Examination Commission.

7 “Sexual offense” means any offense or attempted offense in the jurisdiction of the state in
 8 which a sexual assault forensic examination kit is collected, also as further defined by §15-9B-
 9 1(5) of this code.

10 “Hospital” for purposes of this article includes any health care facility with five or more
 11 beds for the hospitalization of the sick or injured, which is licensed under §16-5B-2 of this code,
 12 and which offers emergency medical treatment.

13 (b) Every hospital operating in the state of West Virginia shall staff health care providers
 14 trained and properly qualified by The Sexual Assault Forensic Examination Commission, as
 15 established under §15-9B-1 et seq. of this code, to conduct sexual forensic examinations. Such
 16 qualified health care providers shall be available for emergency examinations and sexual assault
 17 forensic examination kit retrieval at all hours of hospital operation.

NOTE: The purpose of this bill is to require hospitals to staff qualified health care providers

trained and properly qualified by The Sexual Assault Forensic Examination Commission to collect sexual assault forensic examination kits.

Strike-throughs indicate language that would be stricken from a heading or the present law, and underscoring indicates new language that would be added.