WEST virginia legislature

2024 regular session

Engrossed

Committee Substitute

for

Senate Bill 769

By Senators Chapman and Rucker

[Originating in the Committee on Health and Human Resources; reported February 21, 2024]

A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-3-21, relating to prohibiting certain medical practices; prohibiting medical providers from performing pelvic, rectal, or breast exams on an anesthetized or unconscious patient except in specified circumstances; providing criminal penalties; providing medical license penalties; and establishing an effective date.

Be it enacted by the Legislature of West Virginia:

ARTICLE 8B. SEXUAL OFFENSES.

§61-8B-20. Prohibited examinations.

(a) No court may order or otherwise require an alleged victim in a prosecution for a sexual offense to submit to or undergo a gynecological or physical examination of the breasts, buttocks, anus, or any part of the sex organs against his or her will.

(b) The refusal of an alleged victim to undergo an examination described in subsection (a) of this section may not serve as the basis to exclude evidence obtained from other relevant examinations of the victim.

(c) For purposes of this section, the term “sexual offense” means any offense in which sexual intercourse, sexual contact, or sexual intrusion is an essential element, and includes any prosecution under §61-8-12, §61-8B-1 *et seq*., or §61-8D-5 of this code.