

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]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
2 designated §30-3-21, relating to prohibiting certain medical practices; prohibiting medical
3 providers from performing pelvic, rectal, or breast exams on an anesthetized or
4 unconscious patient except in specified circumstances; providing criminal penalties;
5 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.

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

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

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