

1 developed by county or regional boards.

2 *Be it enacted by the Legislature of West Virginia:*

3 That the Code of West Virginia, 1931, as amended, be amended
4 by adding thereto a new article, designated §15-9B-1, §15-9B-2 and
5 §15-9B-3, all to read as follows:

6 **ARTICLE 9B. SEXUAL ASSAULT EXAMINATION NETWORK.**

7 **§15-9B-1. Sexual Assault Forensic Examination Commission.**

8 (a) There is created within The Governor's Committee on Crime,
9 Delinquency and Correction the Sexual Assault Forensic Examination
10 Commission. The purpose of the commission is to establish, manage
11 and monitor a statewide system to facilitate the timely and
12 efficient collection of forensic evidence in sexual assault cases.
13 As used in this article, the word "commission" means the "Sexual
14 Assault Forensic Examination Commission.

15 (b) The commission shall be chaired by the Director of the
16 Division of Justice and Community Service. Membership on the
17 commission shall consist of the following:

18 (1) A representative chosen from the membership of the West
19 Virginia Prosecuting Attorney's Association;

20 (2) A representative chosen from the membership of the West
21 Virginia Association of Counties;

22 (3) The Commissioner of the Bureau for Public Health, or his

1 or her designee;

2 (4) A representative from the State Police Crime Laboratory;

3 (5) A representative from the membership of the West Virginia
4 Child Advocacy Network;

5 (6) The President of the West Virginia Hospital Association,
6 or his or her designee;

7 (7) A representative from the membership of the West Virginia
8 Foundation for Rape and Information Services;

9 (8) A representative of the West Virginia University Forensic
10 and Investigative Sciences Program; and

11 (9) A representative of the Marshall University Forensic
12 Science Center.

13 (c) If any of the representative organizations listed in
14 subdivision (b) of this subsection cease to exist, the director may
15 select a person from a similar organization.

16 (d) The director may appoint the following additional members
17 of the commission, as needed:

18 (1) An emergency room physician;

19 (2) A victim advocate from a rape crisis center;

20 (3) A sexual assault nurse examiner;

21 (4) A law-enforcement officer with experience in sexual
22 assault investigations;

1 (5) A health care provider with pediatric and child abuse
2 expertise; and

3 (6) A director of a child advocacy center.

4 (e) The commission shall establish mandatory statewide
5 protocols for conducting sexual assault forensic examinations,
6 including designating locations and providers to perform forensic
7 examinations, establishing minimum qualifications and procedures
8 for performing forensic examinations and establishing protocols to
9 assure the proper collection of evidence.

10 **§15-9B-2. Powers and duties of the commission.**

11 (a) The commission shall facilitate the recruitment and
12 retention of qualified health care providers that are properly
13 qualified to conduct forensic examinations. The commission shall
14 work with county and regional officials to identify areas of
15 greatest need and develop and implement recruitment and retention
16 programs to help facilitate the effective collection of evidence.

17 (b) The commission shall authorize minimum training
18 requirements for providers conducting exams and establish a basic
19 standard of care for victims of sexual assault. The commission may
20 adopt necessary and reasonable requirements relating to
21 establishment of a statewide training and forensic examination
22 system including, but not limited to, developing a data collection

1 system to monitor adherence to established standards, assisting
2 exam providers to receive training and support services, advocating
3 the fair and reasonable reimbursement to exam providers and
4 facilitating transportation services for victims to get to and from
5 designated exam locations.

6 (c) The commission shall approve local plans for each area of
7 the state on a county or regional basis. If the commission deems
8 necessary, it may add or remove a county or portion thereof from a
9 region to assure that all areas of the state are included in an
10 appropriate local plan. Upon the failure of any county or local
11 region to propose a plan, the commission may implement a plan for
12 that county or region.

13 (d) Once a plan is approved by the commission, it can only be
14 amended or otherwise altered as provided by the rules authorized
15 pursuant to subsection (e) of this section. Designated facilities
16 and organizations providing services shall give the commission
17 thirty-days' advance notice of their intent to withdraw from the
18 plan. If there is a change of circumstances that would require a
19 change in a county or regional plan, the members of the local board
20 and the state commission shall be notified.

21 (e) The commission may propose rules for legislative approval,
22 in accordance with article three, chapter twenty-nine-a of this

1 code, necessary to implement this article.

2 **§15-9B-3. Local sexual assault forensic examination boards.**

3 Each county prosecutor, or his or her designee, shall convene
4 a sexual assault forensic examination board, or may, as an
5 alternative, convene and chair the sexual assault response team in
6 the county to act as the Sexual Assault Forensic Examination Board.
7 If a regional board is authorized, all county prosecutors from the
8 designated area shall be members of the board. The prosecutors
9 shall assure that each board be proportionally representative of
10 the designated region. Each board may vary in membership, but
11 should include representatives from local health care facilities,
12 local law enforcement, multidisciplinary investigative teams,
13 county and municipal governments and victims' advocates. Each
14 county or regional board shall develop a local plan and protocols
15 for the area, which will address, at a minimum, the following:

16 (1) Identify facilities that are appropriate for receipt and
17 treatment of sexual assault victims;

18 (2) Evaluate the needs and available resources of the area,
19 including the number of qualified physicians or nurses, or both, to
20 facilitate and encourage twenty-four hour, seven-day-a-week
21 coverage;

22 (3) If availability of services are limited, or the remoteness

1 of the region causes lack of adequate examination facilities or
2 personnel, the local boards may designate local government or other
3 resources to provide appropriate transport of victims to facilities
4 where the victim can receive a timely and appropriate forensic
5 examination; and

6 (4) Develop an alternative plan in case there is a change in
7 circumstances to ensure continuity of service.

NOTE: The purpose of this bill is establish a regulatory system for sexual assault forensic examinations.

§15-9B-1, §15-9B-2 and §15-9B-3 are new; therefore, strike-throughs and underscoring have been omitted.