



HOUSE BILL 674: Require DNA for Various Convictions.

2021-2022 General Assembly

Committee:		Date:	June 30, 2022
Introduced by:	Reps. Richardson, Szoka, Wheatley	Prepared by:	Robert Ryan
Analysis of:	Third Edition		Staff Attorney

OVERVIEW: *House Bill 674 would do the following:*

- *Add additional offenses to the list of offenses requiring submission of a DNA sample after a conviction or a finding of not guilty by reason of insanity.*
- *Clarify that medical facilities and medical professionals cannot bill sexual assault victims for forensic medical examinations and update certain definitions.*

CURRENT LAW AND BILL ANALYSIS:

Section 1

G.S. 15A-266.4(a) requires that when a person is convicted, or found not guilty by reason of insanity, of certain crimes that person must provide a DNA sample. G.S. 15A-266.4(b) provides the list of crimes that would require DNA collection.

The bill would amend the list of offenses found in G.S. 15A-266.4 to require DNA collection upon a conviction or finding of not guilty by reason of insanity for the following crimes:

- Assault on a female by a male person at least 18 years of age.
- Assault on a child under the age of 12.
- Offenses described in G.S. 50B-4.1 (Violation of a 50B protective order and similar orders entered by other states.)

This section becomes effective December 1, 2022.

Section 2

G.S. 143B-1200 established a state administered assistance program for victims of sex assaults and provides that sexual assault victims are to be provided with forensic medical examinations at no cost. Medical providers may only bill the assistance program for these examinations and are not allowed to bill victims, their insurance, Medicaid, Medicare, or any other collateral source.

G.S. 131E-91 is the statute that regulates fair billing and debt collection practices for hospitals and ambulatory surgical facilities. G.S. 131E-91(d) provides a list of debt collection practices that hospitals and ambulatory surgical facilities must follow in collecting debts from patients.

34 U.S.C. 40723 is the federal law for sexual assault forensic exam program grants. This law was recently revised and contains updated definitions. This law establishes a grant program administered by the US Attorney General to provide grants to eligible entities to establish training programs related to sexual assault nurse examiners (SANE) and salaries for SANEs. Eligible entities, who may apply through the grant writing process, include State and local governments and hospitals.

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The bill modifies G.S. 143B-1200(c) to clarify that medical providers may not bill victims, the victim's personal insurance, Medicaid, Medicare or any other collateral source for the forensic medical examinations. The bill also updates the definitions section in G.S. 143B-1200(i) to conform the definitions in that section with the definitions included in the updated federal grant law. The bill also modifies G.S. 131E-91(d) to require that hospitals have policies in place to prevent the collection of debts related to a forensic medical examination.

This section becomes effective October 1, 2022.

EFFECTIVE DATE: Except as otherwise provided, this act is effective when it becomes law.