

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

Senate Bill 392

By Senators Trump, Weld, and Woelfel

[Introduced January 12, 2024; referred

to the Committee on the Judiciary]

22 buttocks, anus, or any part of the sex organs.

23 (2) The refusal of an alleged victim to undergo an examination described in subdivision (1)
24 of this subsection may not serve as the basis to exclude evidence obtained from other relevant
25 examinations of the victim, ~~except where constitutionally required.~~

26 (3) For the purposes of this subsection, the term "sexual offense" means any offense in
27 which sexual intercourse, sexual contact, or sexual intrusion is an element of the offense, and
28 includes any prosecution under this article, §61-8-12, or §61-8D-5 of this code.

NOTE: The purpose of this bill is to modify the admissibility of a victim's prior sexual history.

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