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SENATE BILL NO. 812
AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the House Committee for Courts of Justice
on March 2, 2026)

(Patron Prior to Substitute—Senator Boysko)

A BILL to amend and reenact §§ 9.1-191, 19.2-165.1, 19.2-368.2, 19.2-368.3, and 19.2-368.11:1 of the Code of Virginia, relating to victims of crime; reimbursement for expenses; Coordinator of the Virginia Sexual Assault Forensic Examiner Coordination Program; work group.

Be it enacted by the General Assembly of Virginia:

1. That §§ 9.1-191, 19.2-165.1, 19.2-368.2, 19.2-368.3, and 19.2-368.11:1 of the Code of Virginia are amended and reenacted as follows:

§ 9.1-191. Virginia Sexual Assault Forensic Examiner Coordination Program.

A. The Department shall establish the Virginia Sexual Assault Forensic Examiner Coordination Program (the Program). The Program shall be headed by a coordinator (the Coordinator), who shall be a registered nurse, licensed in the Commonwealth, with experience as a forensic nurse. The Coordinator shall:

1. Create and coordinate an annual statewide sexual assault forensic nurse examiner training program in partnership with the Attorney General, the Department of Health, the Virginia Hospital and Healthcare Association, the Victim Compensation Fund, the International Association of Forensic Nurses, the Secretary of Health and Human Resources, and the Virginia Forensic Nursing Advisory Council;

2. Coordinate the development and enhancement of sexual assault forensic examiner programs across the Commonwealth that include prevention of secondary trauma to survivors of sexual assault and culturally sensitive training for health professionals;

3. Participate in the development of hospital protocols and guidelines for treatment of survivors of sexual assault in partnership with the Department of Health;

4. Coordinate and strengthen communications among sexual assault nurse examiner medical directors, sexual assault response teams, and hospitals for existing and developing sexual assault nurse examiner programs;

5. Provide technical assistance for existing and developing sexual assault forensic examiner programs, including local sexual assault forensic examiner training programs;

6. Create and maintain a statewide list, updated biannually, to include the following:

a. A list of available sexual assault forensic examiners, sexual assault nurse examiners, sexual assault forensic nurse examiners, and pediatric sexual assault nurse examiners;

b. The location and facility affiliation of each examiner;

c. The duty hours for each examiner and affiliated facility for sexual assault exam services; and

d. The location of available local sexual assault forensic examiner training programs;

7. Coordinate, share, and disseminate the list created pursuant to subdivision 6 to the emergency operations communications system available to emergency medical services and law-enforcement agencies as well as the internal emergency and hospital communications system;

8. Share and disseminate the list created pursuant to subdivision 6 with all other relevant agencies, including law-enforcement agencies, attorneys for the Commonwealth, victim-witness programs, sexual assault service organizations, the Department of Juvenile Justice, the Department of Social Services, the Department of Education, and school divisions;

9. Create sexual assault nurse examiner recruitment materials for universities and colleges with nursing programs in partnership with the State Council of Higher Education for Virginia; and

10. Support and coordinate community education and public outreach, when appropriate, relating to sexual assault nurse examiner issues for the Commonwealth.

B. The Coordinator may request and shall receive from every department, division, board, bureau, commission, authority, or other agency created by the Commonwealth, or to which the Commonwealth is a party, or any political subdivision thereof, cooperation and assistance in the performance of its duties. The Coordinator may also consult and exchange information with local government agencies and interested stakeholders.

C. The Coordinator shall report annually on or before October 1 to the Governor and the General Assembly. The report shall include a summary of activities for the year and any recommendations to address sexual assault exams within the Commonwealth, including budget needs to increase the availability of sexual assault exam services across the Commonwealth. The Department shall ensure that such report is available to the public.

§ 19.2-165.1. Payment of medical fees in certain criminal cases; reimbursement.

A. Except as provided in subsection B, all medical fees expended in the gathering of evidence for all criminal cases where medical evidence is necessary to establish a crime has occurred and for cases involving

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60 abuse of children ~~under the age of~~ *younger than 18 years of age* shall be paid by the Commonwealth out of
 61 the appropriation for criminal charges, provided that any medical evaluation, examination, or service
 62 rendered be performed by a physician or facility specifically designated by the attorney for the
 63 Commonwealth in the city or county having jurisdiction of such case for such a purpose. If no such physician
 64 or facility is reasonably available in such city or county, then the attorney for the Commonwealth may
 65 designate a physician or facility located outside and adjacent to such city or county.

66 Where there has been no prior designation of such a physician or facility, such medical fees shall be paid
 67 out of the appropriation for criminal charges upon authorization by the attorney for the Commonwealth of the
 68 city or county having jurisdiction over the case. Such authorization may be granted prior to or within 48
 69 hours after the medical evaluation, examination, or service rendered.

70 B. All medical fees expended in the gathering of evidence through (i) physical evidence recovery kit
 71 examinations, *defined in § 19.2-11.5*, conducted on victims complaining of sexual assault under Article 7
 72 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2 and (ii) *anonymous trace evidence collection kit examinations*,
 73 *defined in § 19.2-11.5*, conducted on victims complaining of strangulation in violation of § 18.2-51.6 shall be
 74 paid by the Commonwealth pursuant to subsection F of § 19.2-368.11:1. ~~Victims complaining of sexual~~
 75 ~~assault~~ *Such victims* shall not be required to participate in the criminal justice system or cooperate with
 76 law-enforcement authorities in order to be provided with such ~~forensic~~ medical exams.

77 C. Upon conviction of the defendant in any case requiring the payment of medical fees authorized by this
 78 section, the court shall order that the defendant reimburse the Commonwealth for payment of such fees.

79 **§ 19.2-368.2. Definitions.**

80 For the purpose of this chapter:

81 "*Anonymous trace evidence collection kit*" means the same as that term is defined in § 19.2-11.5.

82 "Claimant" means the person filing a claim pursuant to this chapter.

83 "Commission" means the Virginia Workers' Compensation Commission.

84 "Crime" means an act committed by any person in the Commonwealth of Virginia which would constitute
 85 a crime as defined by the Code of Virginia or at common law. However, no act involving the operation of a
 86 motor vehicle which results in injury shall constitute a crime for the purpose of this chapter unless the injuries
 87 (i) were intentionally inflicted through the use of such vehicle or (ii) resulted from a violation of § 18.2-51.4
 88 or 18.2-266 or from a felony violation of § 46.2-894.

89 "Family," when used with reference to a person, means (i) any person related to such person within the
 90 third degree of consanguinity or affinity, (ii) any person residing in the same household with such person, or
 91 (iii) a spouse.

92 "*Physical evidence recovery kit*" means the same as that term is defined in § 19.2-11.5.

93 "Sexual abuse" means sexual abuse as defined in subdivision 6 of § 18.2-67.10 and acts constituting rape,
 94 sodomy, object sexual penetration or sexual battery as defined in Article 7 (§ 18.2-61 et seq.) of Chapter 4 of
 95 Title 18.2.

96 "Victim" means a person who suffers personal physical injury or death as a direct result of a crime
 97 including a person who is injured or killed as a result of foreign terrorism or who suffers personal emotional
 98 injury as a direct result of being the subject of a violent felony offense as defined in subsection C of
 99 § 17.1-805, or stalking as described in § 18.2-60.3, or attempted robbery or abduction.

100 **§ 19.2-368.3. Powers and duties of Commission.**

101 The Commission shall have the following powers and duties in the administration of the provisions of this
 102 chapter:

103 1. To adopt, promulgate, amend, and rescind suitable rules and regulations to carry out the provisions and
 104 purposes of this chapter, to include a distinct policy (i) for the payment of physical evidence recovery kit
 105 examinations, including mileage at a rate provided by law incurred by a sexual assault forensic examiner as
 106 defined in § 19.2-11.5, or *anonymous trace evidence collection kit examinations* and (ii) to require each
 107 health care provider as defined in § 8.01-581.1 that provides services under this chapter to negotiate with the
 108 Commission or its designee to establish prospective agreements relating to rates for payment of claims for
 109 such services allowed under § 19.2-368.11:1, such rates to discharge the obligation to the provider in full
 110 except where the provider is an agency of the Commonwealth and the claimant receives a third party
 111 recovery in addition to the payment from the Fund.

112 2. Notwithstanding the provisions of §§ 2.2-3706 and 2.2-3706.1, to acquire from the attorneys for the
 113 Commonwealth, State Police, local police departments, sheriffs' departments, and the Chief Medical
 114 Examiner such investigative results, information, and data as will enable the Commission to determine if, in
 115 fact, a crime was committed or attempted, and the extent, if any, to which the victim or claimant was
 116 responsible for his own injury. These data shall include prior adult arrest records and juvenile court
 117 disposition records of the offender. For such purposes and in accordance with § 16.1-305, the Commission
 118 may also acquire from the juvenile and domestic relations district courts a copy of the order of disposition
 119 relating to the crime. The use of any information received by the Commission pursuant to this subdivision
 120 shall be limited to carrying out the purposes set forth in this section, and this information shall be confidential
 121 and shall not be disseminated further. The agency from which the information is requested may submit

122 original reports, portions thereof, summaries, or such other configurations of information as will comply with
123 the requirements of this section.

124 3. To hear and determine all claims for awards filed with the Commission pursuant to this chapter, and to
125 reinvestigate or reopen cases as the Commission deems necessary.

126 4. To require and direct medical examination of victims.

127 5. To hold hearings, administer oaths or affirmations, examine any person under oath or affirmation and to
128 issue summonses requiring the attendance and giving of testimony of witnesses and require the production of
129 any books, papers, documentary or other evidence. The powers provided in this subsection may be delegated
130 by the Commission to any member or employee thereof.

131 6. To take or cause to be taken affidavits or depositions within or without the Commonwealth.

132 7. To render each year to the Governor and to the General Assembly a written report of its activities. This
133 report shall include a detailed section on all unclaimed restitution collected and disbursed to the victim from
134 the Criminal Injuries Compensation Fund pursuant to subsection I of § 19.2-305.1.

135 8. To accept from the government of the United States grants of federal moneys for disbursement under
136 the provisions of this chapter.

137 9. To collect and disburse unclaimed restitution pursuant to subsection I of § 19.2-305.1 and develop, in
138 consultation with circuit court clerks and the Office of the Executive Secretary of the Supreme Court of
139 Virginia, policies and procedures for the receipt, collection, and disbursement of unclaimed restitution to
140 victims of crime.

141 10. To identify and locate victims of crime for whom restitution owed to such victims has been deposited
142 into the Criminal Injuries Compensation Fund pursuant to subsection I of § 19.2-305.1. Notwithstanding the
143 provisions of §§ 2.2-3706 and 2.2-3706.1, the Commission may acquire from the attorneys for the
144 Commonwealth, State Police, local police departments, and sheriffs' departments such information as will
145 enable the Commission to identify and locate such victims. The use of any information received by the
146 Commission pursuant to this subdivision shall be limited to carrying out the purposes set forth in this section,
147 and this information shall be confidential and shall not be disseminated further.

148 **§ 19.2-368.11:1. Amount of award.**

149 A. Compensation for Total Loss of Earnings: An award made pursuant to this chapter for total loss of
150 earnings that results directly from incapacity incurred by a crime victim shall be payable during total
151 incapacity to the victim or to such other eligible person, at a weekly compensation rate equal to 66-2/3
152 percent of the victim's average weekly wages. The victim's average weekly wages shall be determined as
153 provided in § 65.2-101.

154 B. Compensation for Partial Loss of Earnings: An award made pursuant to this chapter for partial loss of
155 earnings that results directly from incapacity incurred by a crime victim shall be payable during incapacity at
156 a weekly rate equal to 66-2/3 percent of the difference between the victim's average weekly wages before the
157 injury and the weekly wages that the victim is able to earn thereafter. The combined total of actual weekly
158 earnings and compensation for partial loss of earnings shall not exceed \$600 per week.

159 C. Compensation for Loss of Earnings of Parent of Minor Victim: The parent or guardian of a minor
160 crime victim may receive compensation for loss of earnings, calculated as specified in subsections A and B,
161 for time spent obtaining medical treatment for the child and for accompanying the child to, attending or
162 participating in investigative, prosecutorial, judicial, adjudicatory, and post-conviction proceedings.

163 D. Compensation for Dependents of a Victim Who Is Killed: If death results to a victim of crime entitled
164 to benefits, dependents of the victim shall be entitled to compensation in accordance with the provisions of
165 §§ 65.2-512 and 65.2-515 in an amount not to exceed the maximum aggregate payment or the maximum
166 weekly compensation that would have been payable to the deceased victim under this section.

167 E. Compensation for Unreimbursed Medical Costs, Funeral Expenses, Services, etc.: Awards may also be
168 made on claims or portions of claims based upon the claimant's actual expenses incurred as are determined by
169 the Commission to be appropriate, for (i) unreimbursed medical expenses or indebtedness reasonably
170 incurred for medical expenses; (ii) expenses reasonably incurred in obtaining ordinary and necessary services
171 in lieu of those the victim would have performed, for the benefit of himself and his family, if he had not been
172 a victim of crime; (iii) expenses directly related to funeral or burial, not to exceed \$10,000; (iv) expenses
173 attributable to pregnancy resulting from forcible rape; (v) mental health counseling for survivors as defined
174 under subdivisions A 2 and A 4 of § 19.2-368.4, not to exceed \$3,500 per claim; (vi) reasonable and
175 necessary moving expenses, not to exceed \$2,000, incurred by a victim or survivors as defined under
176 subdivisions A 2 and A 4 of § 19.2-368.4; and (vii) any other reasonable and necessary expenses and
177 indebtedness incurred as a direct result of the injury or death upon which such claim is based, not otherwise
178 specifically provided for. Notwithstanding any other provision of law, a person who is not eligible for an
179 award under subsection A of § 19.2-368.4 who pays expenses directly related to funeral or burial is eligible
180 for reimbursement subject to the limitations of this section.

181 F. Notwithstanding the provisions of subdivision 3 of § 19.2-368.10, §§ 19.2-368.5, 19.2-368.5:1,
182 19.2-368.6, 19.2-368.7, and 19.2-368.8, subsection G of this section, and § 19.2-368.16, the Criminal Injuries
183 Compensation Fund shall pay for physical evidence recovery kit examinations conducted on victims of

184 sexual assault *and anonymous trace evidence collection kit examinations conducted on victims of*
185 *strangulation*. Any individual that submits to and completes a ~~physical evidence recovery kit~~ *any such*
186 examination shall be considered to have met the reporting requirements of this chapter. Funds paid for
187 physical evidence recovery kit *or anonymous trace evidence collection kit* collection shall not be offset
188 against the Fund's maximum allowable award as provided in subsection H. Payments may be subject to
189 negotiated agreements with the provider. Health care providers that complete physical evidence recovery kit
190 *or anonymous trace evidence collection kit* examinations may bill the Fund directly subject to the provisions
191 of § 19.2-368.5:2. The Commission shall develop policies for a distinct payment process for physical
192 evidence recovery kit *and anonymous trace evidence collection kit* examination expenses as required under
193 subdivision 1 of § 19.2-368.3.

194 In order for the Fund to consider additional crime-related expenses, victims shall file with the Fund
195 following the provisions of this chapter and Criminal Injuries Compensation Fund policy.

196 G. Any claim made pursuant to this chapter shall be reduced by the amount of any payments received or
197 to be received as a result of the injury from or on behalf of the person who committed the crime or from any
198 other public or private source, including an emergency award by the Commission pursuant to § 19.2-368.9.

199 H. To qualify for an award under this chapter, a claim must have a minimum value of \$100, and payments
200 for injury or death to a victim of crime, to the victim's dependents or to others entitled to payment for covered
201 expenses, after being reduced as provided in subsection G, shall not exceed \$35,000 in the aggregate.

202 **2. That the Director of the Department of Criminal Justice Services (the Director) shall convene a work**
203 **group to include the Commissioner of Health or his designee, the Executive Director of the Virginia**
204 **Workers' Compensation Commission or his designee, the Executive Secretary of the Supreme Court of**
205 **Virginia or his designee, one representative from the Virginia Hospital & Healthcare Association, one**
206 **representative from the Virginia Chapter of the International Association of Forensic Nurses, one**
207 **representative from the Medical Society of Virginia, one representative from the Virginia Nurses**
208 **Association, one representative from the Virginia Sexual and Domestic Violence Action Alliance, one**
209 **representative from the Commonwealth's Attorneys' Services Council, one representative from the**
210 **Virginia Forensic Nursing Advisory Council, and other stakeholders designated by the Director or his**
211 **designee. The work group shall discuss and submit recommendations for (i) streamlining and**
212 **providing clarifying guidelines on the Office of the Executive Secretary reimbursement process for**
213 **forensic medical examinations; (ii) offering statewide educational training on the reimbursement**
214 **process for forensic nurses; (iii) establishing clear personnel contacts for forensic nurses during the**
215 **reimbursement process; (iv) ensuring sustainability of funding for all medical forensic examinations;**
216 **(v) increasing the percentage of the submitted costs reimbursed by the Criminal Injuries**
217 **Compensation Fund, created pursuant to § 19.2-368.18 of the Code of Virginia; (vi) reimbursing**
218 **forensic nursing expert witness preparation and testimony by the Office of the Executive Secretary;**
219 **and (vii) reimbursing forensic nurses for services including mileage, professional time, and patient**
220 **transportation costs associated with medical forensic examinations and follow-up care, including (a)**
221 **travel between examination sites, (b) preparation for and participation in court proceedings, (c)**
222 **participation in Sexual Assault Response Team (SART) and multidisciplinary team (MDT) meetings,**
223 **(d) telehealth forensic services and consultations provided by both originating and receiving providers,**
224 **and (e) transportation of patients to and from forensic and follow-up examinations. The work group**
225 **shall submit a report with recommendations to the Chairs of the House Committee on Health and**
226 **Human Services, the House Committee on Appropriations, the Senate Committee on Education and**
227 **Health, and the Senate Committee on Finance and Appropriations by November 1, 2026.**