

## HOUSE BILL NO. HB0028

Sexual assault examinations.

Sponsored by: Representative(s) Petersen, Gingery, Lubnau  
and Quarberg and Senator(s) Burns and  
Decaria

A BILL

for

1 AN ACT relating to sexual assault examinations; providing  
2 for consent of the victim to examinations; providing a  
3 procedure for consent to examination of minor victims;  
4 providing for sexual assault examinations by licensed  
5 health care professionals; repealing a requirement that a  
6 sexual assault victim waive the doctor-patient privilege;  
7 repealing a requirement that a sexual assault examination  
8 is mandatory; repealing a provision allowing for the victim  
9 of sexual assault to choose which physician may perform a  
10 forensic sexual assault examination; and providing for an  
11 effective date.

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13 *Be It Enacted by the Legislature of the State of Wyoming:*

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15 **Section 1.** W.S. 6-2-309(a), (e), (g)(intro), (i), (h)

16 and (k) is amended to read:

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**6-2-309. Medical examination of victim; costs; use of report; minors; rights of victims; reimbursement.**

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(a) ~~Promptly after~~ A law enforcement agency receiving a report of ~~any alleged~~ a sexual assault ~~of the first, second or third degree, the peace officer to whom the incident is reported shall take the victim to a licensed physician for examination, unless the victim refuses the examination. If a licensed physician is unavailable, the medical examination may be made by a person qualified to conduct the examination. One (1) witness of the same sex as the victim shall be present during the examination. The examiner shall deliver a written report disclosing the results of his examination to the peace officer or his designee.~~ may, with the victim's consent, arrange for an examination of the victim by a licensed health care provider acting within the scope of their practice. The examination may include a medical examination and treatment, evidence collection and evaluation, and appropriate referrals for follow-up treatment and services. Upon consent of the victim to release of the results of the examination, the evidence, record and reports shall be delivered to the law enforcement agency.

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2 (e) If a report of ~~an alleged a~~ sexual assault is  
3 received from a minor victim, and the parents or guardian  
4 of the minor cannot be located promptly with diligent  
5 effort, then the ~~medical examination required~~ provided for  
6 by subsection (a) of this section may be conducted with the  
7 minor's consent. If a report of a sexual assault is  
8 received alleging a minor as the victim and a parent or  
9 guardian is the suspected perpetrator, the parents or  
10 guardians shall not be notified pursuant to this section.  
11 If a report of a sexual assault is received alleging a  
12 minor victim twelve (12) years of age or older and the  
13 victim has been placed in protective custody pursuant to  
14 W.S. 14-3-208 or 14-3-405, the examination may be conducted  
15 with the consent of the minor and the department of family  
16 services. If a report of sexual assault is received  
17 alleging a minor victim younger than twelve (12) years of  
18 age and the victim has been placed in protective custody  
19 pursuant to W.S. 14-3-208 or 14-3-405, the examination may  
20 be conducted with the consent of the department of family  
21 services.

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23 (g) Except as provided by subsection (j) of this  
24 section, ~~any victim of an alleged sexual assault that is~~

1 ~~reported to law enforcement shall be reimbursed for medical~~  
2 ~~examination costs directly resulting from the sexual~~  
3 ~~assault.~~ the costs of any examination relating to the  
4 investigation or prosecution of a sexual assault shall be  
5 billed to and paid by the investigating law enforcement  
6 agency. ~~shall be liable for any medical examination costs~~  
7 ~~relating to the investigation or prosecution of the sexual~~  
8 ~~assault.~~ These ~~investigation~~ examination costs shall  
9 include the following:

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11 (i) The cost of gathering evidence; ~~as outlined~~  
12 ~~in the Wyoming sexual assault evidence kit;~~ and

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14 (h) Except as provided by subsection (j) of this  
15 section, any ~~medical~~ examination costs directly incurred by  
16 a sexual assault victim that are not covered by subsection  
17 (g) of this section, or other collateral source, shall be  
18 submitted to the victim services division within the office  
19 of the attorney general for determination of eligibility  
20 for payment from the crime victims compensation account  
21 established by W.S. 1-40-114. All requests for  
22 compensation from the account shall be subject to the  
23 eligibility guidelines set forth in the Crime Victims  
24 Compensation Act, W.S. 1-40-101 through 1-40-119.

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2           (k) Each ~~reported~~—victim ~~of~~—reporting a sexual  
3 assault shall be informed of the rights enumerated in this  
4 section, their rights to informed consent and their rights  
5 as a victim of crime. The victim shall also be informed of  
6 available medical, legal and advocacy services.

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8           **Section 2.** W.S. 6-2-309(b), (d) and (f) is repealed.

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10           **Section 3.** This act is effective July 1, 2006.

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(END)