

HOUSE BILL NO. HB0022

Sexual assault examinations.

Sponsored by: Representative(s) Petersen, Davison and
Olsen and Senator(s) Burns and Decaria

A BILL

for

1 AN ACT relating to forensic sexual assault examinations;
2 clarifying who may perform examinations; providing for
3 consent of the victim; providing a procedure for consent to
4 examination of minor victims; authorizing the board of
5 nursing to qualify registered professional nurses to
6 perform sexual assault examinations; repealing a
7 requirement that a forensic sexual assault report be made
8 available to the victim; repealing a provision allowing for
9 the victim of sexual assault to choose which physician may
10 perform a forensic sexual assault examination; and
11 providing for an effective date.

12

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

14

1 **Section 1.** W.S. 6-2-309(a), (d), (e), (g)(intro),
2 (i), (h) and (k) and 33-21-122(c) by creating a new
3 paragraph (xxiv) are amended to read:

4
5 **6-2-309. Medical examination of victim; costs; use of**
6 **report; minors; rights of victims; reimbursement.**

7
8 (a) ~~Promptly after~~ A law enforcement agency receiving
9 a report of any ~~alleged~~ sexual assault of the first, second
10 or third degree, ~~the peace officer to whom the incident is~~
11 ~~reported shall take the victim to a licensed physician for~~
12 ~~examination,~~ shall promptly arrange for a forensic sexual
13 assault examination of the victim unless the victim ~~refuses~~
14 declines the examination. ~~If a licensed physician is~~
15 ~~unavailable, the medical examination may be made by a~~
16 ~~person qualified to conduct the examination. One (1)~~
17 ~~witness of the same sex as the victim shall be present~~
18 ~~during the examination. The examiner shall deliver a~~
19 ~~written report disclosing the results of his examination to~~
20 ~~the peace officer or his designee.~~ The victim shall be
21 informed of the victim's right to consent to release of
22 evidence collected during the examination and reports and
23 records of the forensic sexual assault examination. Upon
24 consent of the victim, the released evidence, record and

1 reports shall be delivered to the law enforcement agency.

2 The examination shall be conducted by a:

3
4 (i) Registered professional nurse deemed
5 qualified to conduct the examination by the state board of
6 nursing;

7
8 (ii) Physician; or

9
10 (iii) Physicians assistant.

11
12 (d) The ~~medical~~ forensic sexual assault examination
13 report required by this section is not necessary to obtain
14 a conviction of sexual assault. ~~Any written report~~
15 ~~disclosing the results of an examination made pursuant to~~
16 ~~this section shall be made available to the actor or his~~
17 ~~counsel upon demand.~~

18
19 (e) If a report of ~~an alleged~~ a sexual assault is
20 received from a minor as the victim, and the parents or
21 guardian of the minor cannot be located promptly with
22 diligent effort, then the ~~medical~~ forensic sexual assault
23 examination ~~required by subsection (a) of this section~~ may
24 be conducted with the minor's consent. If a report of a

1 sexual assault is received alleging a minor as the victim
2 and a parent or guardian is the suspected perpetrator, the
3 parent or guardian shall not be notified pursuant to this
4 section. If a report of a sexual assault is received
5 alleging a minor victim twelve (12) years of age or older
6 and the victim has been placed in protective custody
7 pursuant to W.S. 14-3-208 or 14-3-405, the forensic sexual
8 assault examination may be conducted with the consent of
9 the minor and the department of family services. If a
10 report of sexual assault is received alleging a minor
11 victim younger than twelve (12) years of age and the victim
12 has been placed in protective custody pursuant to W.S.
13 14-3-208 or 14-3-405, the forensic sexual assault
14 examination may be conducted with the consent of the
15 department of family services.

16
17 (g) Except as provided by subsection (j) of this
18 section, ~~any victim of an alleged sexual assault that is~~
19 ~~reported to law enforcement shall be reimbursed for medical~~
20 ~~examination costs directly resulting from the sexual~~
21 ~~assault.~~ the costs of any forensic sexual assault
22 examination relating to the investigation or prosecution of
23 a sexual assault shall be paid by the investigating law
24 enforcement agency. ~~shall be liable for any medical~~

1 ~~examination costs relating to the investigation or~~
2 ~~prosecution of the sexual assault.~~ These investigation
3 costs shall include the following:

4
5 (i) The cost of gathering evidence; ~~as outlined~~
6 ~~in the Wyoming sexual assault evidence kit;~~ and

7
8 (h) Except as provided by subsection (j) of this
9 section, any ~~medical~~ forensic sexual assault examination
10 costs directly incurred by a sexual assault victim that are
11 not covered by subsection (g) of this section, or other
12 collateral source, shall be submitted to the victim
13 services division within the office of the attorney general
14 for determination of eligibility for payment from the crime
15 victims compensation account established by W.S. 1-40-114.
16 All requests for compensation from the account shall be
17 subject to the eligibility guidelines set forth in the
18 Crime Victims Compensation Act, W.S. 1-40-101 through
19 1-40-119.

20
21 (k) Each ~~reported~~ victim ~~of~~ reporting a sexual
22 assault shall be informed of the rights enumerated in this
23 section, their rights to informed consent and their rights

1 as a victim of crime. The victim shall also be informed of
2 available medical, legal and advocacy services.

3
4 **33-21-122. Board of nursing; powers and duties.**

5
6 (c) Without limiting the foregoing, the board of
7 nursing may do the following:

8
9 (xxiv) Regulate by board rules and regulations
10 the qualifications of registered professional nurses to
11 conduct forensic sexual assault examinations pursuant to
12 W.S. 6-2-309.

13
14 **Section 2.** W.S. 6-2-309(b) is repealed.

15
16 **Section 3.** This act is effective immediately upon
17 completion of all acts necessary for a bill to become law
18 as provided by Article 4, Section 8 of the Wyoming
19 Constitution.

20
21 (END)