

HOUSE BILL NO. HB0022

Sexual assault examinations.

Sponsored by: Representative(s) Petersen, Barnard,
Davison, Meuli 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; repealing a requirement that
5 a forensic sexual assault report be made available to the
6 victim; repealing a provision allowing for the victim of
7 sexual assault to choose which physician may perform a
8 forensic sexual assault examination; and providing for an
9 effective date.

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

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13 **Section 1.** W.S. 6-2-309(a), (d), (e), (g) (intro),
14 (i), (h) and (k) is amended to read:

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1 **6-2-309. Medical examination of victim; costs; use of**
2 **report; minors; rights of victims; reimbursement.**

3
4 (a) ~~Promptly after~~ A law enforcement agency receiving
5 a report of any ~~alleged~~ sexual assault of the first, second
6 or third degree, ~~the peace officer to whom the incident is~~
7 ~~reported shall take the victim to a licensed physician for~~
8 ~~examination,~~ shall promptly arrange for a forensic sexual
9 assault examination of the victim unless the victim ~~refuses~~
10 declines the examination. ~~If a licensed physician is~~
11 ~~unavailable, the medical examination may be made by a~~
12 ~~person qualified to conduct the examination. One (1)~~
13 ~~witness of the same sex as the victim shall be present~~
14 ~~during the examination. The examiner shall deliver a~~
15 ~~written report disclosing the results of his examination to~~
16 ~~the peace officer or his designee.~~ The victim shall be
17 informed of the victim's right to consent to release of
18 evidence collected during the examination and reports and
19 records of the forensic sexual assault examination. Upon
20 consent of the victim, the released evidence, record and
21 reports shall be delivered to the law enforcement agency.
22 The examination shall be conducted by a:

23

1 (i) Registered professional nurse who has
2 completed a sexual assault nurse examiner training course
3 approved by a nationally recognized association of forensic
4 nurses; or

5
6 (ii) Physician.

7
8 (d) The ~~medical~~ forensic sexual assault examination
9 report required by this section is not necessary to obtain
10 a conviction of sexual assault. ~~Any written report~~
11 ~~disclosing the results of an examination made pursuant to~~
12 ~~this section shall be made available to the actor or his~~
13 ~~counsel upon demand.~~

14
15 (e) If a report of ~~an alleged~~ a sexual assault is
16 received from a minor as the victim, and the parents or
17 guardian of the minor cannot be located promptly with
18 diligent effort, then the ~~medical~~ forensic sexual assault
19 examination ~~required by subsection (a) of this section~~ may
20 be conducted with the minor's consent. If a report of a
21 sexual assault is received alleging a minor as the victim
22 and a parent or guardian is the suspected perpetrator, the
23 parent or guardian shall not be notified pursuant to this
24 section. If a report of a sexual assault is received

1 alleging a minor victim twelve (12) years of age or older
2 and the victim has been placed in protective custody
3 pursuant to W.S. 14-3-208 or 14-3-405, the forensic sexual
4 assault examination may be conducted with the consent of
5 the minor and the department of family services. If a
6 report of sexual assault is received alleging a minor
7 victim younger than twelve (12) years of age and the victim
8 has been placed in protective custody pursuant to W.S.
9 14-3-208 or 14-3-405, the forensic sexual assault
10 examination may be conducted with the consent of the
11 department of family services.

12

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

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

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

16

17 (k) Each ~~reported~~ victim ~~of~~ reporting a sexual
18 assault shall be informed of the rights enumerated in this
19 section, their rights to informed consent and their rights
20 as a victim of crime. The victim shall also be informed of
21 available medical, legal and advocacy services.

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

24

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

5

6

(END)