

ENROLLED ACT NO. 41, HOUSE OF REPRESENTATIVES

FIFTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2006 BUDGET SESSION

AN ACT relating to sexual assault examinations; providing for consent of the victim to examinations; providing a procedure for consent to examination of minor victims; providing for sexual assault examinations by licensed health care professionals; repealing a requirement that a sexual assault victim waive the doctor-patient privilege; repealing a requirement that a sexual assault examination is mandatory; repealing a provision allowing for the victim of sexual assault to choose which physician may perform a forensic sexual assault examination; providing for confidentiality of medical records; and providing for an effective date.

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

Section 1. W.S. 6-2-309(a), (e), (g)(intro), (i), (h), (k) and by creating a new subsection (m) is amended to read:

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

(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

ORIGINAL HOUSE
BILL NO. 0028

ENROLLED ACT NO. 41, HOUSE OF REPRESENTATIVES

FIFTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2006 BUDGET SESSION

provider acting within the scope of the provider's 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.

(e) If a report of ~~an alleged a~~ sexual assault is received from a minor victim, and the parents or guardian of the minor cannot be located promptly with diligent effort, ~~then the medical examination required provided for~~ by subsection (a) of this section may be conducted with the minor's consent. If a report of a sexual assault is received alleging a minor as the victim and a parent or guardian is the suspected perpetrator, the parent or guardian who is the suspected perpetrator shall not be notified pursuant to this section.

(g) Except as provided by subsection (j) of this section, ~~any victim of an alleged sexual assault that is reported to law enforcement shall be reimbursed for medical examination costs directly resulting from the sexual assault. the costs of any examination relating to the investigation or prosecution of a sexual assault shall be billed to and paid by the investigating law enforcement agency. shall be liable for any medical examination costs relating to the investigation or prosecution of the sexual assault.~~ These investigation examination costs shall include the following:

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

(h) Except as provided by subsection (j) of this

ORIGINAL HOUSE
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ENROLLED ACT NO. 41, HOUSE OF REPRESENTATIVES

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2006 BUDGET SESSION

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

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

(m) The examinations authorized by this section shall remain confidential healthcare information unless the victim or the victim's parent or legal guardian executes a release of medical information for the purpose of prosecution to the county attorney, the state of Wyoming or any relevant court. However, if the report of sexual assault described in subsection (a) of this section results in the filing against any person of a criminal charge, or the filing of a petition alleging a delinquent act which would be a felony if committed by an adult, the written report disclosing the results of an examination made pursuant to this section shall be made available to the person charged or his counsel upon demand.

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

ORIGINAL HOUSE
BILL NO. 0028

ENROLLED ACT NO. 41, HOUSE OF REPRESENTATIVES

FIFTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
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Section 3. This act is effective July 1, 2006.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the House.

Chief Clerk