

HOUSE BILL NO. HB0075

Victim notification amendments.

Sponsored by: Representative(s) Esquibel, K., Brown,
Buchanan, Connolly, Davison, Gingery, Lubnau
and Throne and Senator(s) Anderson,
Esquibel, F., Ross and Rothfuss

A BILL

for

1 AN ACT relating to criminal procedure; modifying provisions
2 requiring medical examinations for sexually transmitted
3 diseases of persons accused of a sex offense and crimes
4 involving an exchange of bodily fluid; and providing for an
5 effective date.

6

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

8

9 **Section 1.** W.S. 7-1-109(a) through (d) is amended to
10 read:

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12 **7-1-109. Examination for sexually transmitted**
13 **diseases required in certain cases; health officers to**
14 **notify crime victims; results confidential.**

15

1 (a) Upon the consent of a person accused of any crime
2 wherein it is alleged that there has been an exchange of
3 bodily fluids, that person shall be examined as soon as
4 practicable, but not later than forty-eight (48) hours
5 after the date on which the information or indictment is
6 presented, for sexually transmitted diseases included
7 within the list of reportable diseases developed by rule
8 and regulation of the department of health pursuant to W.S.
9 35-4-130(b).

10
11 (b) For cases in which a person is accused of any
12 crime wherein it is alleged that there has been an exchange
13 of bodily fluids and the accused person is unwilling or
14 unable to give consent as provided in subsection (a) of
15 this section, or when, for any reason it is impractical to
16 seek consent under subsection (a) of this section, the
17 court may by warrant, upon a sufficient showing of probable
18 cause by affidavit, at any time of day or night, order the
19 medical examination of the accused person for sexually
20 transmitted diseases included within the list of reportable
21 diseases developed by rule and regulation of the department
22 of health pursuant to W.S. 35-4-130(b). Testing for
23 sexually transmitted diseases done under this subsection
24 shall be conducted as soon as practicable, but no later

1 than forty-eight (48) hours after the date on which the
2 information or indictment is presented.

3
4 (c) Any person convicted of a sex offense shall, at
5 the request of the victim, be examined as soon as
6 practicable, but not later than forty-eight (48) hours
7 after the conviction for sexually transmitted diseases
8 included in the list specified in subsection (a) of this
9 section. The victim shall make the request to the district
10 attorney responsible for prosecuting the offense. If the
11 offender is unwilling or unable to consent to the
12 examination the district attorney shall petition the court
13 for an order requiring the offender to submit to the
14 examination.

15
16 (d) Any examination performed under this section
17 shall be performed by a licensed physician or other health
18 care provider. The examination shall be in accordance with
19 procedures prescribed by the department of health under
20 W.S. 35-4-130 through 35-4-134 and the examination results
21 shall be reported to the appropriate health officer. Upon
22 receipt of the examination results, the health officer
23 shall notify the victim, the alleged victim or if a minor,
24 the parents or guardian of the victim or the alleged

1 victim. Additional testing under this section shall be
2 performed as medically appropriate and shall be made
3 available in accordance with the provisions of this
4 section.

5

6 **Section 2.** This act is effective July 1, 2011.

7

8 (END)