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4 **HOUSE BILL No. 2744**

5  
6 By Representatives Lloyd and Nichols

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8 1-29  
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10 AN ACT concerning the examination of victims of sexual assault; amend-  
11 ing K.S.A. 2001 Supp. 65-448 and repealing the existing section.  
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13 *Be it enacted by the Legislature of the State of Kansas:*

14 Section 1. K.S.A. 2001 Supp. 65-448 is hereby amended to read as  
15 follows: 65-448. (a) Upon the request of any law enforcement officer and  
16 with the written consent of the reported victim, any physician, **a licensed**  
17 **physician assistant, who has been specially trained in performing**  
18 **sexual assault evidence collection, or a registered professional nurse,**  
19 *who has been specially trained in performing sexual assault evidence col-*  
20 *lection, on call or on duty at a medical care facility of this state, as defined*  
21 *by subsection (h) of K.S.A. 65-425, and amendments thereto, shall ex-*  
22 *amine persons who may be victims of sexual offenses cognizable as vio-*  
23 *lations of K.S.A. 21-3502, 21-3503, 21-3504, 21-3505, 21-3506, 21-3602*  
24 *or 21-3603, and amendments thereto, using Kansas bureau of investiga-*  
25 *tion sexual assault evidence collection kits or similar kits approved by the*  
26 *Kansas bureau of investigation, for the purposes of gathering evidence of*  
27 *any such crime. If the physician, **licensed physician assistant or regis-***  
28 *tered professional nurse refuses to perform such physical examination*  
29 *the prosecuting attorney is hereby empowered to seek a mandatory in-*  
30 *junction against such physician, **licensed physician assistant or regis-***  
31 *tered professional nurse to enforce the provisions of this act. Any refusal*  
32 *by a physician, **licensed physician assistant or registered professional***  
33 *nurse to perform an examination which has been requested pursuant to*  
34 *this section shall be reported by the county or district attorney to the state*  
35 *board of healing arts or the board of nursing, whichever is applicable, for*  
36 *appropriate disciplinary action. The department of health and environ-*  
37 *ment, in cooperation with the Kansas bureau of investigation, shall estab-*  
38 *lish procedures for gathering evidence pursuant to this section. A minor*  
39 *may consent to examination under this section. Such consent is not sub-*  
40 *ject to disaffirmance because of minority, and consent of parent or guard-*  
41 *ian of the minor is not required for such examination. The hospital or*  
42 *medical facility shall give written notice to the parent or guardian of a*  
43 *minor that such an examination has taken place.*

1 (b) Costs of conducting an examination of a victim as herein provided  
2 including the costs of the sexual assault evidence collection kits shall be  
3 charged to and paid by the county where the alleged offense was com-  
4 mitted. Such county may charge the defendant for the costs paid herein  
5 as court costs assessed pursuant to K.S.A. 28-172a or 28-172c, and amend-  
6 ments thereto.

7 Sec. 2. K.S.A. 2001 Supp. 65-448 is hereby repealed.

8 Sec. 3. This act shall take effect and be in force from and after its  
9 publication in the statute book.

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