

SENATE BILL No. 476

By Senators Adkins, Vratil and Goodwin

1-31

AN ACT concerning the examination of victims of sexual assault; amending K.S.A. 2001 Supp. 65-448 and repealing the existing section.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 2001 Supp. 65-448 is hereby amended to read as follows: 65-448. (a) Upon the request of any law enforcement officer and with the written consent of the reported victim, any physician *or a registered professional nurse, who has been specially trained in performing sexual assault evidence collection*, on call or on duty at a medical care facility of this state, as defined by subsection (h) of K.S.A. 65-425, and amendments thereto, shall examine persons who may be victims of sexual offenses cognizable as violations of K.S.A. 21-3502, 21-3503, 21-3504, 21-3505, 21-3506, 21-3602 or 21-3603, and amendments thereto, using Kansas bureau of investigation sexual assault evidence collection kits or similar kits approved by the Kansas bureau of investigation, for the purposes of gathering evidence of any such crime. If the physician *or registered professional nurse* refuses to perform such physical examination the prosecuting attorney is hereby empowered to seek a mandatory injunction against such physician *or registered professional nurse* to enforce the provisions of this act. Any refusal by a physician *or registered professional nurse* to perform an examination which has been requested pursuant to this section shall be reported by the county or district attorney to the state board of healing arts *or the board of nursing, whichever is applicable*, for appropriate disciplinary action. The department of health and environment, in cooperation with the Kansas bureau of investigation, shall establish procedures for gathering evidence pursuant to this section. A minor may consent to examination under this section. Such consent is not subject to disaffirmance because of minority, and consent of parent or guardian of the minor is not required for such examination. The hospital or medical facility shall give written notice to the parent or guardian of a minor that such an examination has taken place.

(b) Costs of conducting an examination of a victim as herein provided including the costs of the sexual assault evidence collection kits shall be charged to and paid by the county where the alleged offense was committed. Such county may charge the defendant for the costs paid herein

1 as court costs assessed pursuant to K.S.A. 28-172a or 28-172c, and amend-
2 ments thereto.

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

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

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