

HOUSE BILL No. 2613

By Committee on Judiciary

Requested by Representative Bohi on behalf of the office of the Attorney General

2-2

1 AN ACT concerning the crime victims compensation board; relating to
2 fees chargeable for conducting examinations of persons who may be
3 victims of sexual assault; authorizing the board to establish such fees
4 and adopt rules and regulations for the administration thereof;
5 authorizing the board to use moneys in the crime victims compensation
6 fund for the payment of such fees; amending K.S.A. 2025 Supp. 65-
7 448, 74-7304 and 74-7317 and repealing the existing sections.

8
9 *Be it enacted by the Legislature of the State of Kansas:*

10 Section 1. K.S.A. 2025 Supp. 65-448 is hereby amended to read as
11 follows: 65-448. (a) Upon the request of any law enforcement officer and
12 with the written consent of the reported victim, or upon the request of the
13 victim, any physician, a licensed physician assistant who has been
14 specially trained in performing sexual assault evidence collection, or a
15 registered professional nurse who has been specially trained in performing
16 sexual assault evidence collection, if such physician, licensed physician
17 assistant or registered nurse is on call or on duty at a:

18 (1) (A) Medical care facility of this state, as defined by K.S.A. 65-
19 425(h), and amendments thereto, shall examine persons who may be
20 victims of sexual assault; or

21 (B) child advocacy center of this state, as defined by K.S.A. 38-2227,
22 and amendments thereto, or any other facility licensed or operated by a
23 physician, physician assistant or registered nurse licensed pursuant to
24 chapter 65 of the Kansas Statutes Annotated, and amendments thereto,
25 may examine persons who may be victims of sexual assault.

26 (2) All examinations performed pursuant to paragraph (1), shall be
27 conducted using Kansas bureau of investigation sexual assault evidence
28 collection kits or similar kits approved by the Kansas bureau of
29 investigation, for the purposes of gathering evidence of any such crime.

30 (b) If an examination takes place solely upon the request of the
31 victim, the medical care facility, child advocacy center or other facility
32 where the examination takes place shall not notify any law enforcement
33 agency without the written consent of the victim, unless otherwise required
34 by law.

35 (c) If the physician, licensed physician assistant or registered

1 professional nurse refuses to perform an examination at a medical care
2 facility pursuant to subsection (a)(1), the prosecuting attorney is hereby
3 empowered to seek a mandatory injunction against such physician,
4 licensed physician assistant or registered professional nurse to enforce the
5 provisions of subsection (a)(1). Any refusal by a physician, licensed
6 physician assistant or registered professional nurse to perform an
7 examination ~~which~~ *that* has been requested pursuant to subsection (a)(1)
8 shall be reported by the county or district attorney to the state board of
9 healing arts or the board of nursing, whichever is applicable, for
10 appropriate disciplinary action.

11 (d) The Kansas bureau of investigation shall establish procedures for
12 gathering evidence pursuant to this section.

13 (e) (1) The medical care facility, child advocacy center or other
14 facility shall give written notice to the parent or guardian of a minor that
15 such an examination has taken place, except when:

16 (A) The medical care facility, child advocacy center or other facility
17 has information that a parent, guardian or family or household member is
18 the subject of a related criminal investigation; or

19 (B) the physician, licensed physician assistant or registered
20 professional nurse, after consultation with law enforcement, reasonably
21 believes that the child will be harmed if such notice is given.

22 (2) A minor may consent to an examination under this section. Such
23 consent is not subject to disaffirmance because of minority, and consent of
24 a parent or guardian of the minor is not required for such examination.

25 (f) All unreported sexual assault kits shall be sealed by either the
26 sexual assault nurse examiner program or the facility that provided the
27 examination and sent to the Kansas bureau of investigation. The Kansas
28 bureau of investigation shall retain all unreported sexual assault kits
29 connected to a report of sexual assault in evidence storage for 20 years.
30 After 20 years, such kits shall be destroyed by the Kansas bureau of
31 investigation.

32 (g) Each sexual assault kit that is received by the Johnson county
33 sheriff's office criminalistics laboratory, Sedgwick county regional forensic
34 science center or the Kansas bureau of investigation shall be examined if
35 the kit is required to be released to a law enforcement agency in
36 connection with a report of sexual assault.

37 (h) The fee chargeable for conducting an examination of a victim as
38 ~~herein provided in this section~~ shall be established by the ~~department of~~
39 ~~health and environment~~ *crime victims compensation board established*
40 *pursuant to K.S.A. 74-7303, and amendments thereto.* Such fee, including
41 the cost of the sexual assault evidence collection kit, shall be charged to
42 and paid by the ~~county where the alleged offense was committed~~ *crime*
43 *victims compensation board*, and refusal of the victim to report the alleged

1 offense to law enforcement shall not excuse or exempt the ~~county~~ *crime*
2 *victims compensation board* from paying such fee. *Payment of such fee is*
3 *not contingent on a victim or claimant being otherwise eligible for*
4 *compensation under K.S.A. 74-7301 et seq., and amendments thereto.* The
5 fee for conducting an examination of a victim pursuant to this section shall
6 not be charged or billed to the victim or to the victim's insurance carrier.
7 ~~Such county~~ *The crime victims compensation board* shall be reimbursed
8 such fee upon the costs being paid by the defendant as court costs assessed
9 pursuant to K.S.A. 28-172a, and amendments thereto.

10 (i) No medical care facility, child advocacy center or other facility
11 shall incur any civil, administrative or criminal liability as a result of
12 notifying or failing to notify any law enforcement agency if an
13 examination has taken place solely upon the request of the victim and such
14 notification is not otherwise required by law.

15 (j) The Kansas bureau of investigation may adopt rules and
16 regulations as deemed necessary to implement the provisions of this
17 section.

18 (k) As used in this section:

19 (1) "Unreported sexual assault kit" means a sexual assault kit
20 collected pursuant to subsection (b) that is not released to law
21 enforcement; and

22 (2) "sexual assault" means a sexual offense cognizable as a violation
23 of K.S.A. 21-5503, 21-5504, 21-5506 or 21-5604, and amendments
24 thereto.

25 Sec. 2. K.S.A. 2025 Supp. 74-7304 is hereby amended to read as
26 follows: 74-7304. In addition to the powers and duties specified elsewhere
27 in this act, the board shall have the following powers and duties:

28 (a) The power to adopt by rule and regulation a description of the
29 organization of the board, stating the general method and course of
30 operation of the board;

31 (b) (1) The power to adopt rules and regulations:

32 (A) *Necessary* to carry out the provisions of this act; and the property
33 crime restitution and compensation act, including rules for the allowance
34 of attorney fees for representation of claimants; ~~and to adopt rules and~~
35 ~~regulations~~

36 (B) providing for discovery proceedings, including medical
37 examination, consistent with the provisions of this act ~~relating~~ *related*
38 thereto; and

39 (C) *necessary to carry out the provisions of K.S.A. 65-448, and*
40 *amendments thereto.*

41 (2) Rules and regulations adopted by the board shall be statements of
42 general applicability ~~which~~ *that* implement, interpret or prescribe policy;
43 or describe the procedure or practice requirements of the board;

1 (c) the duty to hear and determine all matters relating to claims for
2 compensation; and the power to reinvestigate or reopen claims without
3 regard to statutes of limitation or periods of prescription;

4 (d) the duty, if it would contribute to the function of the board, to
5 subpoena witnesses and other prospective evidence, administer oaths or
6 affirmations, conduct hearings and receive relevant, nonprivileged
7 evidence; and

8 (e) the power to take notice of judicially recognizable facts and
9 general, technical and scientific facts within their specialized knowledge.

10 Sec. 3. K.S.A. 2025 Supp. 74-7317 is hereby amended to read as
11 follows: 74-7317. (a) There is hereby established in the state treasury the
12 crime victims compensation fund.

13 (b) Moneys in the crime victims compensation fund shall be used
14 only for the payment of compensation pursuant to K.S.A. 74-7301 et seq.,
15 and amendments thereto, *the payment of fees pursuant to K.S.A. 65-448,*
16 *and amendments thereto,* and ~~for the~~ state operations of the board and the
17 crime victims compensation division of the office of the attorney general
18 created pursuant to K.S.A. 75-773, and amendments thereto. Payments
19 from the fund shall be made upon warrants of the director of accounts and
20 reports issued pursuant to vouchers approved by the chairperson of the
21 board and the attorney general or by a person or persons designated by the
22 chairperson and the attorney general.

23 (c) The crime victims compensation board may apply for, receive and
24 accept money from any source, including financial contributions from
25 inmates as provided by K.S.A. 75-5211(b), and amendments thereto, for
26 the purposes for which money in the crime victims compensation fund
27 may be expended. Upon receipt of any such money, the chairperson of the
28 board shall remit the entire amount to the state treasurer in accordance
29 with the provisions of K.S.A. 75-4215, and amendments thereto. Upon
30 receipt of each such remittance, the state treasurer shall deposit the entire
31 amount in the state treasury to the credit of the crime victims
32 compensation fund.

33 Sec. 4. K.S.A. 2025 Supp. 65-448, 74-7304 and 74-7317 are hereby
34 repealed.

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