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HOUSE BILL 1713

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State of Washington

54th Legislature

1995 Regular Session

By Representatives Ballasiotes, Costa, Dickerson, Kessler, Cody, Poulsen, Regala, Mastin and Chopp

Read first time 02/06/95. Referred to Committee on Law & Justice.

1 AN ACT Relating to conducting emergency sexual assault examinations  
2 of child sexual assault victims without parental permission; adding a  
3 new section to chapter 7.69A RCW; creating a new section; and declaring  
4 an emergency.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** The legislature finds that examinations of  
7 victims of sexual assault must be conducted within a few hours of the  
8 assault to gather evidence of the assault. Delaying examinations also  
9 causes physical and emotional trauma to the victim. When the victim is  
10 a minor, requiring parental permission before conducting the  
11 examination may result in loss of evidence. In several cases minors  
12 have refused to submit to examinations because a parent is the  
13 assailant. In other cases a relative or friend is the assailant and  
14 the minor fears the parent will be supportive of the assailant and  
15 either deny permission or blame the victim for the assault. In some  
16 cases, the victim is a ward of the state and several hours elapse  
17 before a guardian can be found to grant permission. The legislature  
18 finds that the state has a compelling interest in gathering evidence  
19 necessary to determine whether a child has been raped or sexually

1 assaulted and in minimizing physical and emotional trauma to child  
2 victims of sexual assault.

3 NEW SECTION. **Sec. 2.** A new section is added to chapter 7.69A RCW  
4 to read as follows:

5 A minor who is a victim of a sexual assault may give consent to a  
6 medical examination conducted by professional medical personnel to  
7 gather evidence of the sexual assault. The minor's consent is not  
8 subject to disaffirmance because of minority. The consent of the  
9 parent, parents, or legal guardian of the minor is not necessary to  
10 authorize the sexual assault examination. If the minor consents to  
11 parental notification of the examination, the medical personnel must  
12 make a reasonable effort to contact the parent, parents, or legal  
13 guardian. If the effort is unsuccessful, the medical professional  
14 shall not delay the examination. The parent, parents, or legal  
15 guardian shall not be liable for payment for an examination conducted  
16 pursuant to this section. The costs of the examination shall be borne  
17 by the state as provided in RCW 7.68.170.

18 NEW SECTION. **Sec. 3.** If any provision of this act or its  
19 application to any person or circumstance is held invalid, the  
20 remainder of the act or the application of the provision to other  
21 persons or circumstances is not affected.

22 NEW SECTION. **Sec. 4.** This act is necessary for the immediate  
23 preservation of the public peace, health, or safety, or support of the  
24 state government and its existing public institutions, and shall take  
25 effect immediately.

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