



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-3671/1
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2015 SENATE BILL 383

November 12, 2015 - Introduced by Senators LEMAHIEU and STROEBEL, cosponsored by Representatives KATZMA, HORLACHER, VORPAGEL, KREMER, GANNON, STEFFEN, R. BROOKS, THIESFELDT, MURPHY, TITTL, KLEEFISCH, A. OTT, ALLEN and ROHRKASTE. Referred to Committee on Judiciary and Public Safety.

1 **AN ACT** *to amend* 968.255 (3); and *to create* 895.535 of the statutes; **relating**
2 **to:** providing immunity from civil and criminal liability to certain health care
3 providers for performing a body cavity search.

Analysis by the Legislative Reference Bureau

This bill confers immunity from civil and criminal liability for performing certain body cavity searches. Under current law, a person may be subject to a search of his or her body, including a body cavity search, when he or she is arrested for any felony, for certain misdemeanors, for any misdemeanor or civil violation if there is probable cause to believe that the person is concealing a weapon or concealing something that would constitute evidence of the offense for which he or she has been detained, or if the person will be held or detained with another person. Under current law, only a physician, physician assistant, or registered nurse may conduct a body cavity search.

This bill confers immunity from civil and criminal liability to a physician, physician assistant, or registered nurse who performs a body cavity search under the allowed circumstances. The immunity extends to the employer of the physician, physician assistant, or registered nurse, and to the health care facility where the search is conducted.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

