

IN THE SENATE

SENATE BILL NO. 1264

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO THE CONTROL OF VENEREAL DISEASES; AMENDING SECTION 39-601, IDAHO CODE, TO REVISE THE ENUMERATED VENEREAL DISEASES; AND AMENDING SECTION 39-604, IDAHO CODE, TO REMOVE THE REQUIREMENT THAT ALL PERSONS CHARGED WITH DRUG RELATED CHARGES SHALL BE TESTED FOR THE ENUMERATED VENEREAL DISEASES.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 39-601, Idaho Code, be, and the same is hereby amended to read as follows:

39-601. VENEREAL DISEASES ENUMERATED. Syphilis, gonorrhea, acquired immunodeficiency syndrome (AIDS), AIDS related complexes (ARC), other manifestations of HIV (human immunodeficiency virus) infections, ~~chaneroid~~ chlamydia and hepatitis B virus (HBV) and hepatitis C virus (HCV) infections, hereinafter designated as venereal diseases, are hereby declared to be contagious, infectious, communicable and dangerous to public health; and it shall be unlawful for anyone infected with these diseases or any of them to knowingly expose another person to the infection of such diseases.

SECTION 2. That Section 39-604, Idaho Code, be, and the same is hereby amended to read as follows:

39-604. CONFINED AND IMPRISONED PERSONS -- EXAMINATION, TREATMENT, AND QUARANTINE -- VICTIMS OF SEXUAL OFFENSES -- ACCESS TO OFFENDERS' TEST RESULTS, TESTING FOR HIV, COUNSELING AND REFERRAL SERVICES. (1) All persons who shall be confined or imprisoned in any state prison facility in this state shall be examined for on admission, and again before release, and, if infected, treated for the diseases enumerated in section 39-601, Idaho Code, and this examination shall include a test for HIV antibodies or antigens. This examination is not intended to limit any usual or customary medical examinations that might be indicated during a person's imprisonment. Nothing herein contained shall be construed to interfere with the service of any sentence imposed by a court as a punishment for the commission of crime.

(2) All persons who shall be confined in any county or city jail may be examined for and, if infected, treated for the venereal diseases enumerated in section 39-601, Idaho Code, if such persons have, in the judgment of public health authorities and the jailer, been exposed to a disease enumerated in section 39-601, Idaho Code.

(3) All persons who are charged with any sex offense in which body fluid, as defined in this chapter, has likely been transmitted to another shall be tested for the human immunodeficiency virus (HIV). At the request of the victim or parent, guardian or legal custodian of a minor victim, such

1 test shall be administered not later than forty-eight (48) hours after the
2 date on which the information or indictment is presented.

3 (4) All persons, including juveniles, who are charged with sex of-
4 fenses, ~~drug-related charges~~, prostitution, any crime in which body fluid
5 has likely been transmitted to another, or other charges as recommended by
6 public health authorities shall be tested for the venereal diseases enumer-
7 ated in section 39-601, Idaho Code, and for hepatitis C virus.

8 (5) All persons who are charged with any crime in which body fluid as de-
9 fined in this chapter has likely been transmitted to another shall be tested
10 for the presence of HIV antibodies or antigens, for hepatitis C virus and for
11 hepatitis B virus.

12 (6) If a person is tested as required in subsection (3), (4) or (5) of
13 this section, the results of the test shall be revealed to the court. The
14 court shall release the results of the test to the victim(s), or if the vic-
15 tim(s) is a minor, to the minor's parent, guardian or legal custodian. When-
16 ever a prisoner tests positive for HIV antibodies or antigens, the victim(s)
17 of said prisoner shall be entitled to counseling regarding HIV, HIV test-
18 ing in accordance with applicable law, and referral for appropriate health
19 care and support services. Said counseling, HIV testing and referral ser-
20 vices shall be provided to the victim(s) by the district health departments
21 at no charge to the victim(s). Provided however, the requirement to provide
22 referral services does not, in and of itself, obligate the district health
23 departments to provide or otherwise pay for a victim's health care or sup-
24 port services. Any court, when releasing test results to a victim(s), or if
25 the victim(s) is a minor, to the minor's parent, guardian, or legal custo-
26 dian, shall explain or otherwise make the victim(s) or the victim's parent,
27 guardian, or legal custodian, aware of the services to which the victim(s) is
28 entitled as described herein.

29 (7) Responsibility for the examination, testing and treatment of per-
30 sons confined in county or city jails shall be vested in the county or city
31 that operates the jail. The county or city may contract with the district
32 health departments or make other arrangements for the examination, testing
33 and treatment services. The district health department or other provider
34 may charge and collect for the costs of such examination and treatment, as
35 follows:

36 (a) When the prisoner is a convicted felon awaiting transfer to the
37 board of correction, or when the prisoner is a convicted felon being
38 confined in jail pursuant to a contract with the board of correction,
39 the board of correction shall reimburse such costs;

40 (b) When the prisoner is awaiting trial after an arrest by any state
41 officer, the state agency employing such arresting officer shall reim-
42 burse such costs;

43 (c) When the prisoner is being held for any other authority or jurisdic-
44 tion, including another state, the authority or jurisdiction respon-
45 sible shall reimburse such costs unless otherwise provided for by con-
46 tract.