

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 974

Short Title: AIDS Test/Sex Offenders.

(Public)

Sponsors: Representatives Justus; Alphin, Arnold, Bowman, D. Brown, Brubaker, Church, Crawford, Culp, Daughtry, Decker, Dickson, Ellis, Esposito, Flaherty, Gardner, Holmes, Howard, Ives, James, Jenkins, Joye, Lutz, McLawhorn, Mercer, Mitchell, C. Preston, Ramsey, Rogers, Russell, Smith, G. Thompson, R. Thompson, Weatherly, C. Wilson, and Wood.

Referred to: Judiciary I.

April 15, 1993

A BILL TO BE ENTITLED

1 AN ACT TO PROVIDE THAT A DEFENDANT, AFTER A FINDING OF
2 PROBABLE CAUSE OR INDICTMENT FOR COMMITTING A
3 NONCONSENSUAL SEX OFFENSE, SHALL BE TESTED FOR AIDS UPON
4 THE REQUEST OF THE VICTIM.
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6 The General Assembly of North Carolina enacts:

7 Section 1. Article 30 of Chapter 15A of the General Statutes is amended by
8 adding a new section to read:

9 "**§ 15A-615. Testing of certain persons for AIDS.**

10 (a) The victim or the parent, guardian, or guardian **ad litem** of a minor victim
11 may request that a defendant be tested for HIV infection, after a finding of probable
12 cause or indictment for an offense that involves nonconsensual vaginal, anal, or oral
13 intercourse or that involves vaginal, anal, or oral intercourse with a child 12 years old or
14 less. Upon such request, the district attorney shall petition the court on behalf of the
15 victim for an order requiring the defendant to be tested. The court shall order the
16 defendant to submit to testing for HIV infection.

17 (b) If the defendant is in the custody of the Department of Correction, the
18 defendant shall be tested by the Department of Correction. If the defendant is not in the
19 custody of the Department of Correction, the defendant shall be tested by the local
20 health department. The Department of Correction shall inform the local health director

1 of all such test results. The local health director shall inform the victim of the results of
2 the test and counsel the victim appropriately. The agency conducting the test shall
3 inform the defendant of the results of the test and shall counsel the defendant
4 appropriately. The results of the test shall not be admissible as evidence in any criminal
5 proceeding."

6 Sec. 2. This act becomes effective December 1, 1993, and applies to offenses
7 occurring on or after that date.