

GENERAL ASSEMBLY OF NORTH CAROLINA
EXTRA SESSION 1994

CHAPTER 8
HOUSE BILL 53

AN ACT TO PROVIDE THAT A DEFENDANT, AFTER A FINDING OF PROBABLE CAUSE OR INDICTMENT FOR COMMITTING INDECENT LIBERTIES WITH A CHILD FIFTEEN YEARS OLD OR YOUNGER WHICH INVOLVES A SEX OFFENSE, SHALL BE TESTED FOR CERTAIN SEXUALLY TRANSMITTED INFECTIONS UPON THE REQUEST OF THE VICTIM AND TO ADD HERPES TO THE LIST OF SEXUALLY TRANSMITTED INFECTIONS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 15A-615(a) reads as rewritten:

"(a) After a finding of probable cause pursuant to the provisions of Article 30 of Chapter 15A of the General Statutes or indictment for an offense that involves nonconsensual vaginal, anal, or oral ~~intercourse or~~ intercourse, an offense that involves vaginal, anal, or oral intercourse with a child 12 years old or less, or an offense under G.S. 14-202.1 that involves vaginal, anal, or oral intercourse with a child less than 16 years old, the victim or the parent, guardian, or guardian **ad litem** of a minor victim may request that a defendant be tested for the following sexually transmitted infections:

- (1) Chlamydia;
- (2) Gonorrhea;
- (3) Hepatitis B;
- (4) Herpes;
- ~~(4)~~(5) HIV; and
- ~~(5)~~(6) Syphilis.

In the case of herpes, the defendant, pursuant to the provisions of this section, shall be examined for oral and genital herpetic lesions and, if a suggestive but nondiagnostic lesion is present, a culture for herpes shall be performed."

Sec. 2. This act becomes effective January 1, 1995, and applies to offenses occurring on or after that date.

In the General Assembly read three times and ratified this the 10th day of March, 1994.

Dennis A. Wicker
President of the Senate

Daniel Blue, Jr.
Speaker of the House of Representatives