

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 304

Short Title: Prisoner's AIDS Tests.

(Public)

Sponsors: Representatives Brawley; Craven and Decker.

Referred to: Judiciary.

February 21, 1989

A BILL TO BE ENTITLED

AN ACT TO REQUIRE THAT ALL INCOMING PRISONERS BE TESTED FOR
HIV VIRUS INFECTION.

The General Assembly of North Carolina enacts:

Section 1. G.S. 15A-1353 (a) reads as rewritten:

"(a) When a sentence includes a term or terms of imprisonment, the court must issue an order of commitment setting forth the judgment. Unless otherwise specified in the order of commitment, the date of the order is the date service of the sentence is to begin.

If a female defendant is convicted of a nonviolent crime and the court is provided medical evidence from a licensed physician that the defendant is pregnant or the court otherwise determines that the defendant is pregnant, the court may specify in the order that the date of service of the sentence is not to begin until at least six weeks after the birth of the child or other termination of the pregnancy unless the defendant requests to serve her term as the court would otherwise order. The court may impose reasonable conditions upon defendant during such waiting period to insure that defendant will return to begin service of the sentence.

If the court sentences a defendant pursuant to G.S. 15A-1351(a), the period during which that defendant is awaiting imprisonment shall be considered part of the probationary sentence and such defendant shall be subject to all incidents and conditions of probation.

The commitment order must contain a provision requiring that the Department of Correction have all persons sentenced to imprisonment tested for HIV virus infection."

1 Sec. 2. The Department of Correction shall adopt rules to implement this act.
2 The Commission for Health Services shall adopt rules that specify the particular tests
3 required.

4 Sec. 3. This act shall become effective October 1, 1989, and applies to
5 prisoners committed to the Department of Correction on or after this date.