

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 1003

Short Title: AIDS Test/Sex Offenses.

(Public)

Sponsors: Representatives Jones; Bowman, Flaherty, Russell, and Wilson.

Referred to: Judiciary II.

April 19, 1991

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 is amended by adding a new section to
8 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
21 of all such test results. The local health director shall inform the victim of the results of
22 the test and counsel the victim appropriately. The agency conducting the test shall
23 inform the defendant of the results of the test and shall counsel the defendant

1 appropriately. The results of the test shall not be admissible as evidence in any criminal
2 proceeding."

3 Sec. 2. This act becomes effective October 1, 1991, and applies to offenses
4 occurring on or after that date.