

IN THE SENATE

SENATE BILL NO. 1370

BY JUDICIARY AND RULES COMMITTEE

AN ACT

1 RELATING TO THE CONTROL OF VENEREAL DISEASES; AMENDING SECTION 39-601, IDAHO
2 CODE, TO REVISE THE ENUMERATED VENEREAL DISEASES; AND AMENDING SECTION
3 39-604, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE EXAMINATION OF
4 CERTAIN CONFINED PERSONS FOR VENEREAL DISEASES, TO REMOVE THE REQUIRE-
5 MENT THAT ALL PERSONS CHARGED WITH DRUG RELATED CHARGES SHALL BE TESTED
6 FOR THE ENUMERATED VENEREAL DISEASES AND TO REVISE PROVISIONS THAT RE-
7 QUIRE CERTAIN PERSONS TO BE TESTED FOR CERTAIN VENEREAL DISEASES.
8

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

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

12 39-601. VENEREAL DISEASES ENUMERATED. Syphilis, gonorrhea, ~~acquired~~
13 ~~immunodeficiency syndrome (AIDS), AIDS related complexes (ARC), other~~
14 ~~manifestations of HIV (human immunodeficiency virus) infections (HIV),~~
15 ~~chaneroid chlamydia~~ and hepatitis B virus (HBV) ~~infections~~, hereinafter
16 designated as venereal diseases, are hereby declared to be contagious,
17 infectious, communicable and dangerous to public health; and it shall be
18 unlawful for anyone infected with these diseases or any of them to knowingly
19 expose another person to the infection of such diseases.

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

22 39-604. CONFINED AND IMPRISONED PERSONS -- EXAMINATION, TREATMENT,
23 AND QUARANTINE -- VICTIMS OF SEXUAL OFFENSES -- ACCESS TO OFFENDERS' TEST
24 RESULTS, TESTING FOR HIV, COUNSELING AND REFERRAL SERVICES. (1) All persons
25 who shall be confined or imprisoned in any state prison facility in this
26 state shall be examined for on admission, and again before release, and, if
27 infected, treated for the diseases enumerated in section 39-601, Idaho Code,
28 and this examination shall include a test for HIV antibodies or antigens.
29 This examination is not intended to limit any usual or customary medical ex-
30 aminations that might be indicated during a person's imprisonment. Nothing
31 herein contained shall be construed to interfere with the service of any
32 sentence imposed by a court as a punishment for the commission of crime.

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

38 (3) All persons who are charged with any sex offense in which body
39 fluid, as defined in this chapter, has likely been transmitted to another
40 shall be tested for the human immunodeficiency virus (HIV). At the request

1 of the victim or parent, guardian or legal custodian of a minor victim, such
2 test shall be administered not later than forty-eight (48) hours after the
3 date on which the information or indictment is presented.

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

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

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

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

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

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

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