

SECOND REGULAR SESSION

# SENATE BILL NO. 642

91ST GENERAL ASSEMBLY

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INTRODUCED BY SENATOR RUSSELL.

Pre-filed December 1, 2001, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

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## AN ACT

To repeal sections 191.226 and 191.659, RSMo, relating to testing for certain diseases, and to enact in lieu thereof two new sections relating to the same subject.

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*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Sections 191.226 and 191.659, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 191.226 and 191.659, to read as follows:

191.226. The department of health and senior services shall pay for the cost of conducting HIV testing **and hepatitis B testing** for a victim of the crime of rape as defined in section 556.030, RSMo, or of the crime of sodomy as defined in section 566.060, RSMo, or of the crime of incest as defined in section 568.020, RSMo, if a person who is convicted of such crime is determined to be infected with HIV **or hepatitis B** based upon HIV testing **or hepatitis B testing** conducted upon delivery of the person to the department of corrections pursuant to section 191.659. Such testing shall be limited to not more than two enzyme-linked immunosorbent assay (ELISA) tests per year and such cost of such tests shall not be paid by the department of health and senior services for more than five years after the date the crime was committed. HIV testing **and hepatitis B testing** conducted pursuant to this section shall be performed by the public health laboratory of the department of health and senior services.

191.659. 1. Except as provided in subsection 2 of this section, all individuals who are delivered to the department of corrections and all individuals who are released or discharged from any correctional facility operated by the

department of corrections, before such individuals are released or discharged, shall undergo HIV testing **and hepatitis B testing** without the right of refusal. In addition, the department of corrections may perform or conduct HIV testing **and hepatitis B testing** on all individuals required to undergo annual or biannual physical examinations by the department of corrections at the time of such examinations.

2. The department of corrections shall not perform HIV testing **or hepatitis B testing** on an individual delivered to the department if similar HIV testing **or hepatitis B testing** has been performed on the individual subsequent to trial and if the department is able to obtain the results of the prior HIV test **or hepatitis B test**.

3. The department shall inform the victim of any sexual offense defined in chapter 566, RSMo, which includes sexual intercourse as an element of the crime, of any confirmed positive results of HIV testing **or hepatitis B testing** on an offender within the custody of the department. If the victim is an unemancipated minor, the department shall also inform the minor's parents or custodian, if any.

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