

SECOND REGULAR SESSION

[P E R F E C T E D]

SENATE COMMITTEE SUBSTITUTE FOR

# SENATE BILL NO. 642

91ST GENERAL ASSEMBLY

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Reported from the Committee on Public Health and Welfare, February 18, 2002, with recommendation that the Senate Committee Substitute do pass and be placed on the Consent Calendar.

Senate Committee Substitute adopted March 4, 2002.

Taken up March 4, 2002. Read 3rd time and placed upon its final passage; bill passed.

2904S.04P

TERRY L. SPIELER, Secretary.

## AN ACT

To amend chapter 191, RSMo, by adding thereto two new sections relating to testing for certain diseases.

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

Section A. Chapter 191, RSMo, is amended by adding thereto two new sections, to be known as sections 191.224 and 191.660, to read as follows:

**191.224. The department of health and senior services shall pay for the cost of conducting Hepatitis B testing and testing for any other sexually transmitted disease 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 Hepatitis B or any other sexually transmitted disease based upon Hepatitis B testing or testing for any other sexually transmitted disease 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. Hepatitis B testing or testing for any other sexually transmitted disease conducted pursuant to this section shall be performed by the public health laboratory of the department of health and senior services.**

**191.660. 1. Except as provided in subsection 2 of this section, sex offenders who are delivered to the department of corrections shall undergo Hepatitis B testing or**

**testing for any other sexually transmitted disease without the right of refusal. In addition, the department of corrections may perform or conduct Hepatitis B testing or testing for any other sexually transmitted disease 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 Hepatitis B testing or testing for any other sexually transmitted disease on an individual delivered to the department if similar Hepatitis B testing or testing for any other sexually transmitted disease has been performed on the individual subsequent to trial and if the department is able to obtain the results of the prior Hepatitis B test or test for any other sexually transmitted disease.**

**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 Hepatitis B testing or testing for any other sexually transmitted disease 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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**Bill**

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