

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 315 Session of
2003

INTRODUCED BY GREENLEAF, MOWERY, ORIE, WAUGH, COSTA, KITCHEN,
RHOADES, TARTAGLIONE, ROBBINS, RAFFERTY, LEMMOND, O'PAKE,
WAGNER, LOGAN, WONDERLING, WENGER, TOMLINSON AND MUSTO,
FEBRUARY 13, 2003

REFERRED TO PUBLIC HEALTH AND WELFARE, FEBRUARY 13, 2003

AN ACT

1 Amending the act of April 23, 1956 (1955 P.L.1510, No.500),
2 entitled, as amended, "An act providing for the prevention
3 and control of communicable and non-communicable diseases
4 including venereal diseases, fixing responsibility for
5 disease prevention and control, requiring reports of
6 diseases, and authorizing treatment of venereal diseases, and
7 providing for premarital and prenatal blood tests; amending,
8 revising and consolidating the laws relating thereto; and
9 repealing certain acts," further providing for HIV testing.

10 The General Assembly of the Commonwealth of Pennsylvania
11 hereby enacts as follows:

12 Section 1. Section 11.1(a) and (c) of the act of April 23,
13 1956 (1955 P.L.1510, No.500), known as the Disease Prevention
14 and Control Law of 1955, added September 29, 1994 (P.L.516,
15 No.75), are amended to read:

16 Section 11.1. Human Immunodeficiency Virus (HIV) Testing of
17 Certain Convicted Offenders.--

18 (a) This section is enacted in order to comply with the
19 requirements of section 506 of the Omnibus Crime Control and
20 Safe Streets Act of 1968 (Public Law 90-351, 42 U.S.C. § 3756)

1 which compels states to enact a law requiring administration of
2 HIV-related tests to individuals convicted of specified offenses
3 when a victim requests that such a test be performed. Offenses
4 relating to assault by prisoners and aggravated harassment by
5 prisoners have been added given the unique problems those
6 offenses present, including an increased likelihood of
7 transmission of HIV to the victims of such offenses.

8 * * *

9 (c) The HIV-related test shall be performed at the request
10 of a victim if the individual has been convicted or adjudicated
11 delinquent under one of the following provisions of 18 Pa.C.S.
12 (relating to crimes and offenses):

13 Section 2703 (relating to assault by prisoner), if there has
14 been contact between the victim and the blood, seminal fluid,
15 saliva, urine or feces thrown, tossed, spit or expelled by the
16 offender.

17 Section 2703.1 (relating to aggravated harassment by
18 prisoner), if there has been contact between the victim and the
19 blood, seminal fluid, saliva, urine or feces thrown, tossed,
20 spit or expelled by the offender.

21 Section 2704 (relating to assault by life prisoner), if there
22 has been contact between the victim and the blood, seminal
23 fluid, saliva, urine or feces thrown, tossed, spit or expelled
24 by the offender.

25 Section 3121 (relating to rape).

26 [Section 3122 (relating to statutory rape).]

27 Section 3122.1 (relating to statutory sexual assault).

28 Section 3123 (relating to involuntary deviate sexual
29 intercourse).

30 [Section 3128 (relating to spousal sexual assault).]

1 Section 3124.1 (relating to sexual assault).

2 Section 3124.2 (relating to institutional sexual assault).

3 Section 3125 (relating to aggravated indecent assault).

4 Section 4302 (relating to incest).

5 Section 6301 (relating to corruption of minors) if there has
6 been sexual intercourse as defined in 18 Pa.C.S. § 3101
7 (relating to definitions) between the individual who has been
8 convicted or adjudicated delinquent and the victim.

9 * * *

10 Section 2. This act shall take effect in 60 days.