

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2457 Session of  
1994

INTRODUCED BY STISH, NYCE, DEMPSEY, HUTCHINSON, WOGAN,  
COLAFELLA, NICKOL, PITTS, TIGUE, McCALL, CORRIGAN, FLICK,  
BUNT, HENNESSEY, TRUE, BELFANTI, COY, FARGO, HARLEY, RAYMOND,  
SAURMAN, SCHEETZ, SURRA, ROHRER, MASLAND, STABACK,  
D. W. SNYDER, KING, VANCE, EGOLF, GEIST, BELARDI, M. COHEN,  
LEDERER, ADOLPH AND DRUCE, JANUARY 26, 1994

REFERRED TO COMMITTEE ON JUDICIARY, JANUARY 26, 1994

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," defining "HIV-related test"; and  
10 providing for human immunodeficiency virus (HIV) testing of  
11 sex offenders.

12 The General Assembly of the Commonwealth of Pennsylvania  
13 hereby enacts as follows:

14 Section 1. Section 2 of the act of April 23, 1956 (1955  
15 P.L.1510, No.500), known as the Disease Prevention and Control  
16 Law of 1955, is amended by adding a subsection to read:

17 Section 2. Definitions.--

18 The following terms, whenever used in this act, have the  
19 meanings indicated in this section, except where the context  
20 indicates a clearly different meaning:

1       \* \* \*

2       (d.1) HIV-related test. Any laboratory test or series of  
3 tests for any virus, antibody, antigen or etiologic agent  
4 whatsoever thought to cause or to indicate the presence of HIV  
5 infection.

6       \* \* \*

7       Section 2. Section 8 of the act, amended September 11, 1959  
8 (P.L.868, No.345), is amended to read:

9       Section 8. Venereal Disease and Human Immunodeficiency Virus  
10 (HIV) Testing.--

11       (a) Any person taken into custody and charged with any crime  
12 involving lewd conduct or a sex offense, or any person to whom  
13 the jurisdiction of a juvenile court attaches, may be examined  
14 for a venereal disease by a qualified physician appointed by the  
15 department or by the local board or department of health or  
16 appointed by the court having jurisdiction over the person so  
17 charged.

18       (b) Any person convicted of a crime or pending trial, who is  
19 confined in or committed to any State or local penal  
20 institution, reformatory or any other house of correction or  
21 detention, may be examined for venereal disease by a qualified  
22 physician appointed by the department or by the local board or  
23 department of health or by the attending physician of the  
24 institution, if any. An individual convicted or adjudicated  
25 delinquent of a sexual offense shall be deemed to consent to an  
26 HIV-related test, which test shall be performed at the request  
27 of the victim. The individual convicted shall be notified that  
28 the test is being performed and shall be notified of the test  
29 results. As used in this subsection, the term "convicted"  
30 includes conviction by entry of a plea of guilty or nolo

contendere, conviction after trial and a finding of not guilty due to insanity or of guilty but mentally ill. As used in this subsection, the term "sexual offense" means a crime under the following provisions of 18 Pa.C.S. (relating to crimes and offenses):

Section 3121 (relating to rape).

Section 3122 (relating to statutory rape).

Section 3123 (relating to involuntary deviate sexual intercourse).

Section 3124 (relating to voluntary deviate sexual intercourse).

Section 3125 (relating to aggravated indecent assault).

Section 3126 (relating to indecent assault).

Section 4302 (relating to incest).

Section 6312(b) (relating to sexual abuse of children).

If the HIV-related test results in a negative reaction, the court shall order the individual to submit to another HIV-related test six months after the first test was administered.

The Department of Health shall:

(1) direct the administration of the test;

(2) notify the victim of the results of each test;

(3) make HIV counseling available to the victim; and

(4) refer the victim to appropriate health care and support services.

(c) Any such persons noted in paragraph (a) or (b) of this section found, upon such examination, to be infected with any venereal disease shall be given appropriate treatment by duly constituted health authorities or their deputies or by the attending physician of the institution, if any.

Section 3. This act shall take effect in 60 days.