
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, DRUCE AND JAMES, JANUARY 26, 1994

SENATOR PETERSON, PUBLIC HEALTH AND WELFARE, AS AMENDED,
SEPTEMBER 19, 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

1 indicates a clearly different meaning:

2 * * *

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

7 * * *

8 Section 2. The act is amended by adding a section to read:

9 Section 11.1. Human Immunodeficiency Virus (HIV) Testing of
10 Certain Convicted Offenders.--

11 (a) This section is enacted in order to comply with the
12 requirements of section 506 of the Omnibus Crime Control and
13 Safe Streets Act of 1968 (Public Law 90-351, 42 U.S.C. § 3756)
14 which compels states to enact a law requiring administration of
15 HIV-related tests to individuals convicted of specified offenses
16 when a victim requests that such a test be performed.

17 (b) When an individual has been convicted or adjudicated
18 delinquent of one of the offenses listed in subsection (c), the
19 victim of that offense may request that an HIV-related test be
20 performed on the individual who has been convicted or
21 adjudicated delinquent and the results of that test shall be
22 disclosed to the victim. If the victim requests a test within
23 six weeks of the conviction or adjudication of delinquency, then
24 the individual who has been convicted or adjudicated delinquent
25 shall be deemed to have consented to the performance of an HIV-
26 related test and to the release of the results of that test to
27 the victim notwithstanding sections 5(a) and 7(a)(3) of the act
28 of November 29, 1990 (P.L.585, No.148), known as the
29 "Confidentiality of HIV-Related Information Act." The ACT"; THE <—
30 test shall otherwise be administered and the results released to

1 the victim in accordance with the provisions of the
2 "Confidentiality of HIV-Related Information Act." As used in
3 this subsection, the term "victim" shall include the parent or
4 legal guardian of a minor or mentally disabled adult. As used in
5 this subsection, the term "convicted" includes conviction by
6 entry of a plea of guilty or nolo contendere, conviction after
7 trial and a finding of not guilty due to insanity or a finding
8 of guilty but mentally ill.

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 3121 (relating to rape).

14 Section 3122 (relating to statutory rape).

15 Section 3123 (relating to involuntary deviate sexual
16 intercourse).

17 Section 3128 (relating to spousal sexual assault).

18 Section 4302 (relating to incest).

19 Section 6301 (relating to corruption of minors), IF THERE HAS ←
20 BEEN SEXUAL INTERCOURSE, AS DEFINED IN 18 PA.C.S. § 3101
21 (RELATING TO DEFINITIONS), BETWEEN THE INDIVIDUAL WHO HAS BEEN
22 CONVICTED OR ADJUDICATED DELINQUENT AND THE VICTIM.

23 (d) When a victim requests that an HIV-related test be
24 performed on an individual convicted or adjudicated delinquent
25 of one of the offenses listed in subsection (c), the request
26 shall be forwarded to the department or local board or local
27 health department along with the name and current address of the
28 victim and the individual convicted or adjudicated delinquent,
29 if known. All information regarding the request shall be
30 maintained as confidential in accordance with section 15 of this

1 act.

2 (e) The department or local board or local health department
3 shall make provisions for:

4 (1) The administration of the HIV-related test to the
5 individual convicted or adjudicated delinquent in accordance
6 with subsection (b) of this section.

7 (2) Notification to the victim of the results of the test
8 administered to the individual convicted or adjudicated
9 delinquent.

10 (3) HIV-related testing to and counseling of the victim in
11 accordance with the "Confidentiality of HIV-Related Information
12 Act," at no cost to the victim.

13 (4) Referral of the victim to appropriate health care and
14 support services.

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