

MEMO



DEC 07 2010

Senate of Pennsylvania

December 6, 2010

TO: ALL SENATORS
FROM: Stewart J. Greenleaf *Stewart*
SUBJECT: Cosponsorship -- **HIV testing because of inmate assault**

I am reintroducing **Senate Bill 218**, amending the Disease Prevention and Control Law of 1955 (Act 500) to authorize HIV testing if a corrections officer has come into contact with the blood, seminal fluid, saliva, urine or feces thrown, tossed, spit or expelled at him by an inmate. The inmate must be convicted of inmate assault before the test is conducted.

1998 Act 19 strengthened the provisions relating to assaults made by inmates on corrections officers. Act 19 amended the Crimes Code to include within the definition of "assault" conduct in which an inmate intentionally or knowingly causes another to come into contact with his blood, urine, feces, and etc. The legislation addressed a problem that occurs all too often in state and county prisons with inmates who throw bodily fluids at corrections employees.

This legislation simply adds three crimes to a list that already exists in the Disease Prevention and Control Law. Currently, section 11.1(c) of the law, added in 1994, allows the victim of certain crimes to request that a HIV-related test be performed on an individual who has been convicted of certain sexual assault crimes. This legislation adds to the list each of the inmate assault crimes described in Act 19. These are the crimes that involve an inmate throwing, spitting or otherwise expelling blood, seminal fluid, saliva, urine or feces at a corrections officer. I believe that these crimes are logical additions to the list.

In addition, the list of sexual assault crimes in section 11.1(c) has been updated in the legislation to reflect changes in Pennsylvania's sexual assault statutes.

If you would like to cosponsor this legislation, please contact Pat Snively of my office by e-mailing her at psnively@pasen.gov.