

**76-10-1312 Notice to offender of HIV positive test results.**

- (1) A person convicted under Section 76-10-1302, 76-10-1303, or 76-10-1313 who has tested positive for the HIV infection shall be notified of the test results in person by:
  - (a) the local law enforcement agency;
  - (b) the Department of Corrections, for offenders confined in any state prison;
  - (c) the state Department of Health; or
  - (d) an authorized representative of any of the agencies listed in this Subsection (1).
- (2) The notice under Subsection (1) shall contain the signature of the HIV positive person, indicating the person's receipt of the notice, the name and signature of the person providing the notice, and:
  - (a) the date of the test;
  - (b) the positive test results;
  - (c) the name of the HIV positive individual; and
  - (d) the following language:

"A person who has been convicted of prostitution under Section 76-10-1302, patronizing a prostitute under Section 76-10-1303, or sexual solicitation under Section 76-10-1313 after being tested and diagnosed as an HIV positive individual and either had actual knowledge that the person is an HIV positive individual or the person has previously been convicted of any of the criminal offenses listed above is guilty of a third degree felony under Section 76-10-1309."
- (3) Failure to provide this notice, or to provide the notice in the manner or form prescribed under this section, does not create any civil liability and does not create a defense to any prosecution under this part.
- (4) Upon conviction under Section 76-10-1309, and as a condition of probation, the offender shall receive treatment and counseling for HIV infection and drug abuse as provided in Title 62A, Chapter 15, Substance Abuse and Mental Health Act.

Amended by Chapter 70, 2011 General Session