

**76-10-1314 Examination of testing procedures and results in legal proceedings.**

- (1) Employees of the laboratory who conduct laboratory analysis of blood samples for presence of antibody to HIV provided pursuant to a request by a law enforcement agency or the Department of Corrections under Section 76-10-1311, may be examined in a legal proceeding of any kind or character as to:
  - (a) the nature of the testing;
  - (b) the validity of the testing;
  - (c) the results of the test;
  - (d) the HIV positivity or negativity of the person tested;
  - (e) the evidentiary chain of custody; and
  - (f) other factors relevant to the prosecution, subject to the court's ruling.
- (2) This section applies only to the criminal investigation and prosecution under Section 76-10-1309 which permits enhanced penalties upon a subsequent conviction for:
  - (a) prostitution, Section 76-10-1302;
  - (b) patronizing a prostitute, Section 76-10-1303; or
  - (c) sexual solicitation, Section 76-10-1313.

Enacted by Chapter 179, 1993 General Session