

1                                   **SEX OFFENDER TESTING AMENDMENTS**

2   2015 GENERAL SESSION

3   STATE OF UTAH

4                                   **Chief Sponsor: Ann Millner**

5                                   House Sponsor: Lee B. Perry

---

---

7 **LONG TITLE**

8 **General Description:**

9           This bill modifies the Utah Criminal Code regarding exposure of an alleged victim to  
10 conduct posing a risk of HIV transmission.

11 **Highlighted Provisions:**

12           This bill:

13           ▶ modifies offender HIV testing procedures by providing that an alleged victim who  
14 has been subject to conduct that may result in HIV infection may request that the  
15 alleged sex offender be tested for HIV.

16 **Money Appropriated in this Bill:**

17           None

18 **Other Special Clauses:**

19           None

20 **Utah Code Sections Affected:**

21 AMENDS:

22           **76-5-501**, as last amended by Laws of Utah 2011, Chapter 177

---

---

24 *Be it enacted by the Legislature of the state of Utah:*

25           Section 1. Section **76-5-501** is amended to read:

26           **76-5-501. Definitions.**

27           For purposes of this part:

28           (1) "Alleged sexual offender" means a person or a minor regarding whom an  
29 indictment, petition, or an information has been filed or an arrest has been made alleging the

30 commission of a sexual offense or an attempted sexual offense under Title 76, Chapter 5, Part  
31 4, Sexual Offenses, and regarding which:

32 (a) a judge has signed an accompanying arrest warrant, pickup order, or any other order  
33 based upon probable cause regarding the alleged offense; and

34 (b) the judge has found probable cause to believe that the alleged victim has been  
35 exposed to conduct or activities that may result in an HIV infection as a result of the alleged  
36 offense.

37 (2) "Department of Health" means the state Department of Health as defined in Section  
38 [26-1-2](#).

39 (3) "HIV infection" means an indication of Human Immunodeficiency Virus (HIV)  
40 infection determined by current medical standards and detected by any of the following:

41 (a) presence of antibodies to HIV, verified by a positive "confirmatory" test, such as  
42 Western blot or other method approved by the Utah State Health Laboratory. Western blot  
43 interpretation will be based on criteria currently recommended by the Association of State and  
44 Territorial Public Health Laboratory Directors;

45 (b) presence of HIV antigen;

46 (c) isolation of HIV; or

47 (d) demonstration of HIV proviral DNA.

48 (4) "HIV positive individual" means a person who is HIV positive as determined by the  
49 State Health Laboratory.

50 (5) "Local department of health" means the department as defined in Subsection  
51 [26A-1-102\(5\)](#).

52 (6) "Minor" means a person younger than 18 years of age.

53 (7) "Positive" means an indication of the HIV infection as defined in Subsection (3).

54 (8) "Sexual offense" means a violation of state law prohibiting a sexual offense under  
55 Title 76, Chapter 5, Part 4, Sexual Offenses.

56 (9) "Test" or "testing" means a test or tests for HIV infection conducted by and in  
57 accordance with standards recommended by the Department of Health.

