

H.B. 459

HIV TESTING MODIFICATIONS

Representative **Marsha Judkins** proposes the following amendments:

1. *Page 2, Line 34:*

34 is filed, or an order ~~{or warrant}~~ requiring a test is signed, whichever is earlier.

2. *Page 2, Lines 50 through 53:*

50 (ii) a law enforcement agency involved in the investigation, information, or indictment
51 may submit on behalf of the victim, by electronic or other means, an ex parte request for ~~{a~~
52 ~~warrant ordering}~~ **an order for** testing to determine whether the alleged offender is an HIV positive
53 individual.

3. *Page 2, Line 58 through Page 3, Line 59:*

58 (d) If the court finds that the alleged offender refused to consent to the testing or was
59 unable to consent, the court shall issue an order ~~{or warrant}~~ requiring the alleged offender to

4. *Page 3, Lines 71 through 72:*

71 (4) A sample drawn in accordance with an order ~~{or warrant}~~ issued under this section
72 shall be sent for testing to:

5. *Page 4, Lines 115 through 118:*

115 ~~[(5)]~~ (9) The alleged offender who is tested is responsible upon conviction for the costs
116 of testing and any legal proceedings necessary to obtain an order ~~{or warrant}~~ authorizing the
117 testing, unless the alleged offender is indigent. ~~[The]~~ If the alleged offender is indigent, the
118 costs ~~of testing~~ will be paid by the Department of Health from the General Fund.

(10) Results of a test conducted pursuant to this section are presumptively inadmissible in evidence in the criminal matter in connection with which the testing was requested, unless a court of competent jurisdiction determines that evidence of the test result may be admitted for the limited purpose of impeaching a witness.