

SECOND REGULAR SESSION

HOUSE BILL NO. 2057

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BARRY.

Read 1st time February 26, 2002, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

4891L.01H

AN ACT

To repeal section 191.659, RSMo, and to enact in lieu thereof one new section relating to medical testing of individuals delivered to the department of corrections.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 191.659, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 191.659, to read as follows:

191.659. 1. Except as provided in subsection 2 of this section, all individuals who are delivered to the department of corrections and all individuals who are released or discharged from any correctional facility operated by the department of corrections, before such individuals are released or discharged, shall undergo HIV **and tuberculosis** testing without the right of refusal. In addition, the department of corrections may perform or conduct [HIV] **infectious disease** testing on [all individuals required to undergo annual or biannual physical examinations by the department of corrections at the time of such examinations] **offenders without the right of refusal.**

2. The department of corrections shall not perform HIV testing on an individual delivered to the department if similar HIV testing has been performed on the individual subsequent to trial and if the department is able to obtain the results of the prior HIV test.

3. The department shall inform the victim of any sexual offense defined in chapter 566, RSMo, which includes sexual intercourse as an element of the crime, of any confirmed positive results of HIV **or other sexually transmitted disease** testing **performed** on an offender [within the custody of the department] **at the time of commitment to a correctional facility.** If the

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

16 victim is an unemancipated minor, the department shall also inform the minor's parents or
17 custodian, if any.