

FIRST REGULAR SESSION

HOUSE BILL NO. 477

92ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES MOORE, WILDBERGER, ADAMS, ENGLER, SANDER, HUBBARD, LEMBKE, JOHNSON (61), HUNTER, QUINN, SHOEMAKER (8), ICET, BRUNS, GUEST, PORTWOOD, DIXON (Co-sponsors), KELLY (144), KELLY (36), CORCORAN, WALTON, HAYWOOD, SCHNEIDER, LUETKEMEYER, RUPP, CRAWFORD, BYRD, MILLER, AVERY, DEEKEN, BAKER, GOODMAN, TAYLOR, MARSH, PEARCE, MAY, ERVIN AND SMITH (14).

Read 1st time February 13, 2003, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

1352L.011

AN ACT

To repeal section 191.659, RSMo, and to enact in lieu thereof one new section relating to disease testing of incarcerated offenders.

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Section A. Section 191.659, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 191.659, to read as follows: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 or deviate sexual intercourse as an element of the

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

14 crime, of any confirmed positive results of HIV testing **performed** on an offender within the
15 custody of the department. If the victim is an unemancipated minor, the department shall also
16 inform the minor's parents or custodian, if any.