

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Bill No. 12, Page 4, Section 537.865, Line 6, by
2 inserting all of said section and line the following:

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4 "566.135. 1. [Pursuant to a motion filed by the prosecuting attorney or circuit attorney with
5 notice given to the defense attorney and for good cause shown,] In any criminal case in which a
6 defendant has been charged by the prosecuting attorney's office or circuit attorney's office with any
7 offense under this chapter or pursuant to section 575.150, 567.020, 565.050, 565.060, 565.070,
8 565.072, 565.073, 565.074, 565.075, 565.081, 565.082, 565.083, 568.045, 568.050, or 568.060, or
9 paragraph (a), (b), or (c), of subdivision (2) of subsection 1 of section 191.677, the prosecuting or
10 circuit attorney shall upon the request of the victim, with notice given to the defense attorney, or
11 upon his or her own initiative, with notice given to the defense attorney and for good cause shown,
12 file a motion for court-ordered testing of the defendant for HIV, hepatitis B, hepatitis C, syphilis,
13 gonorrhea, and chlamydia and any follow-up testing determined to be medically necessary. If the
14 court [may] finds that the victim requested the testing or that good cause is shown the court shall
15 order that the defendant be conveyed to a state-, city-, or county-operated HIV clinic for testing for
16 HIV, hepatitis B, hepatitis C, syphilis, gonorrhea, and chlamydia and that the testing occur within
17 forty-eight hours of the date on which the defendant was charged. Pursuant to this same motion the
18 court shall also order any follow-up testing that is requested and determined to be medically
19 necessary. The results of the defendant's HIV, hepatitis B, hepatitis C, syphilis, gonorrhea, and
20 chlamydia tests and the results of any follow-up testing shall be released to the victim and his or her
21 parent or legal guardian if the victim is a minor as soon as practicable. The results of the defendant's
22 HIV, hepatitis B, hepatitis C, syphilis, gonorrhea, and chlamydia tests and the results of any
23 follow-up testing shall also be released to the prosecuting attorney or circuit attorney and the
24 defendant's attorney. The state's motion to obtain said testing and follow-up testing, the court's order
25 of the same, and the test results and follow-up test results shall be sealed in the court file.

26 2. All charges for such sexually transmitted disease testing and follow-up testing by the
27 state-, city-, or county-operated HIV clinic shall be billed to and paid by the department of public
28 safety out of appropriations made for that purpose.

29 3. As used in this section, "HIV" means the human immunodeficiency virus that causes
30 acquired immunodeficiency syndrome."; and

31
32 Further amend said bill by amending the title, enacting clause, and intersectional references
33 accordingly.

Action Taken _____ Date _____