

1 HB261
2 174088-1
3 By Representative Rowe
4 RFD: Judiciary
5 First Read: 18-FEB-16

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8 SYNOPSIS: Under existing law, a person charged with
9 the crime of rape, sodomy, or sexual misconduct may
10 be ordered by a court to submit to a test for
11 sexually transmitted diseases if requested by an
12 alleged victim or the parent or guardian of an
13 alleged victim.

14 This bill would also authorize testing for
15 other crimes in which the victim was compelled to
16 engage in sexual activity by force and would
17 require that testing be performed within 48 hours
18 of service of an information or indictment, if an
19 information and indictment has been presented and
20 the defendant is in custody.

21
22 A BILL
23 TO BE ENTITLED
24 AN ACT

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26 To amend Sections 15-23-101 and 15-23-102, Code of
27 Alabama 1975, relating to orders requiring charged persons to

1 be tested for sexually transmitted diseases, to authorize
2 testing for other crimes in which the victim was compelled to
3 engage in sexual activity by force; and to require that
4 testing be performed within 48 hours of service of an
5 information or indictment under certain conditions.

6 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

7 Section 1. Sections 15-23-101 and 15-23-102, Code of
8 Alabama 1975, are amended to read as follows:

9 "§15-23-101.

10 "When a person has been charged with the crime of
11 rape, sodomy, ~~or~~ sexual misconduct, or any other crime in
12 which the victim was compelled to engage in sexual activity by
13 force and it appears from the nature of the charge that the
14 transmission of body fluids from one person to another may
15 have been involved, upon the request of the alleged victim or
16 the parent or guardian of an alleged victim, the district
17 attorney shall file a motion with the court for an order
18 requiring the person charged to submit to a test for any
19 sexually transmitted disease.

20 "§15-23-102.

21 "(a) If the district attorney files a motion under
22 Section 15-23-101, the court shall order the person charged to
23 submit to testing if the court determines there is probable
24 cause to believe that the person charged committed the crime
25 of rape, sodomy, ~~or~~ sexual misconduct, or any other crime in
26 which the victim was compelled to engage in sexual activity by
27 force and the transmission of body fluids was involved. If an

1 information or indictment has been presented and the defendant
2 is in custody or has been served with the information or
3 indictment, the test shall be performed within 48 hours of
4 service.

5 "(b) When a test is ordered under Section 15-23-101,
6 the alleged victim of the crime or a parent or guardian of the
7 alleged victim shall designate an attending physician who has
8 agreed in advance to accept the victim as a patient to receive
9 information on behalf of the alleged victim.

10 "(c) If any sexually transmitted disease test
11 results in a negative reaction, the court shall order the
12 person to submit to any follow-up tests at the intervals and
13 in the manner as shall be determined by the State Board of
14 Health.

15 "(d) The result of any test ordered under this
16 section is not a public record and shall be available only to
17 the following:

18 "(1) The alleged victim.

19 "(2) The parent or guardian of the alleged victim.

20 "(3) The attending physician of the alleged victim.

21 "(4) The person tested.

22 "(e) If any sexually transmitted disease test
23 ordered under this section results in a positive reaction, the
24 individual subject to the test shall receive post-test
25 counseling. Counseling and referral for appropriate health
26 care, testing, and support services as directed by the State
27 Health Officer shall be provided to the alleged victim at the

1 request of the alleged victim or the parent or guardian of the
2 alleged victim."

3 Section 2. This act shall become effective
4 immediately following its passage and approval by the
5 Governor, or its otherwise becoming law.