

1 HB366
2 137165-1
3 By Representatives Treadaway, McCutcheon, Greer, Weaver,
4 Farley, DeMarco, Payne, Drake and Baker
5 RFD: Public Safety and Homeland Security
6 First Read: 21-FEB-12

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8 SYNOPSIS: This bill would authorize blood and saliva
9 testing of any person who exposes a law enforcement
10 officer, firefighter, first responder, or
11 corrections officer to a contagious, infectious,
12 and communicable disease during the course and
13 scope of the law enforcement officer's official
14 duties.

15 This bill would provide the procedure for
16 obtaining court approval for the blood and saliva
17 testing and would specify that a test or any
18 results may not be used in a criminal proceeding
19 against the offender.

20 This bill would also provide that cost of
21 the testing will be paid by the offender, and that
22 the court will inform any offender testing positive
23 for a disease of available counseling, health care,
24 and other support services.

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26 A BILL
27 TO BE ENTITLED

1 AN ACT

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3 To authorize blood and saliva testing of any person
4 exposing a law enforcement officer to certain diseases during
5 the course and scope of an officer's official duties within a
6 certain time; to provide procedures for obtaining the testing
7 through court approval; and to specify the use of test
8 results.

9 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

10 Section 1. (a) Any person who spits on, bites,
11 scratches, or throws blood at, or commits any other act which
12 may expose a law enforcement officer, as defined in Section
13 36-21-40, Code of Alabama 1975, a firefighter, a first
14 responder certified to respond to an incident requiring
15 emergency medical services, or a corrections officer, to a
16 contagious, infectious, and communicable disease by any means
17 resulting in contact with the officer during the course and
18 scope of the officer's official duties shall be required,
19 within 72 hours of the exposure, to submit to a test designed
20 to determine whether he or she is infected with a contagious,
21 infectious, and communicable disease.

22 (b) Any law enforcement officer or other person
23 described in subsection (a) who believes he or she has been
24 the victim of an act which has exposed him or her to a
25 contagious, infectious, and communicable disease as provided
26 in subsection (a) shall notify the court in the county where
27 the exposure occurred by affidavit, subject to penalty for

1 perjury. Upon review of the affidavit and a determination that
2 there is good cause to require testing, the court may order
3 the testing, as provided in this section.

4 (c) The court shall include in its order the
5 designation of an appropriate facility for the procedure and
6 shall require that the result be reported to the court. The
7 court shall provide the results to the law enforcement officer
8 or other person and the alleged offender and shall provide the
9 results to health authorities in accordance with state and
10 federal law.

11 (d) The state shall not use the fact that the
12 medical test was performed on the offender under this section,
13 or the test results, in any criminal proceeding arising out of
14 the alleged offense.

15 (e) The costs associated with testing as authorized
16 by this section shall be paid by the offender.

17 (f) If the person tested under this section tests
18 positive for a contagious, infectious, and communicable
19 disease, the court shall inform that person of available
20 counseling, health care, and support services.

21 Section 2. This act shall become effective on the
22 first day of the third month following its passage and
23 approval by the Governor, or its otherwise becoming law.