



House  
Legislative  
Analysis  
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## MANDATORY HIV TESTING OF CHILD MOLESTERS

House Bill 4362  
Sponsor: Rep. Thomas C. Mathieu  
Committee: Health Policy

Complete to 5-16-95

### A SUMMARY OF HOUSE BILL 4362 AS INTRODUCED 2-9-95

Currently, the Public Health Code imposes a number of counseling and testing requirements on people arrested and charged with, bound over to circuit (or recorder's) court for, or convicted of certain sex or illegal IV drug crimes. The health code allows courts to order that people arrested and charged with solicitation or prostitution be tested for venereal disease (VD), hepatitis B virus (HbV) infection, human immunodeficiency virus (HIV) infection, or acquired immunodeficiency syndrome (AIDS). People arrested and charged with gross indecency, solicitation, prostitution, criminal sexual assault, or illegal IV drug use must be given information on VD and HIV transmission, though additional information and counseling for VD, hepatitis B infection, HIV infection, and AIDS is voluntary. A district court is required to order a defendant bound over to circuit court or recorder's court for gross indecency, prostitution, or criminal sexual assault to be tested and counseled for VD, hepatitis B, and HIV if the court determines that there is reason to believe that the defendant's violation involved sexual penetration or exposure to his or her body fluids. Courts are required to order VD, HbV, and HIV testing and counseling of defendants convicted of gross indecency, solicitation, prostitution, criminal sexual assault, or illegal IV drug use (this requirement also includes adjudicated juveniles). Victims of crimes involving sexual penetration or exposure to body fluids may obtain these test results, either directly from the testing agency (by consenting to their names, addresses, and telephone numbers being given by the court to the testing agency, who then is required to contact the victim with the test results) or from the court records after sentencing or disposition.

House Bill 4362 would amend this section of the Public Health Code to add child molesters (people who "accost, entice, or solicit" children under 16 "to commit an immoral act, or to submit to an act of sexual intercourse, or an act of gross indecency, or any other act of depravity or delinquency") to the existing information, testing, and counseling requirements currently imposed for sex or illegal IV drug crimes. The bill also would allow the parents or guardians of minors (or otherwise incapacitated people) who were sexually molested to obtain results of tests done under this section of the code, either by consenting to have the child's name, address, or telephone number be given by the court to the testing agency or by allowing the parents access to otherwise confidential court records.

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