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Senate Bill 1036 (Substitute S-1 as reported)  
Sponsor: Senator Rick Jones  
Committee: Judiciary

### **CONTENT**

The bill would amend the Public Health Code to do the following:

- Require the court to order expedited medical testing of a defendant charged with criminal sexual conduct (CSC), upon the victim's request.
- Upon the conviction of a defendant or the adjudication of a juvenile for certain offenses, require medical test results to be given to the victim if the defendant or juvenile received follow-up testing for the presence of HIV.

Under the Code, if a defendant is bound over to circuit court for certain violations, and the district court determines there is reason to believe the violation involved sexual penetration or exposure to a body fluid of the defendant, the district court must order the defendant to be examined or tested for venereal disease, hepatitis B and C, and HIV. The requirement applies to a defendant bound over for any of the following: accosting, enticing, or soliciting a child for an immoral purpose; gross indecency; certain prostitution-related offenses; or first-, second-, third-, or fourth-degree CSC or assault with intent to commit CSC.

The bill also would require the circuit court to order the examination or testing if the defendant were charged with any of those violations by indictment.

In addition, if a defendant were charged with a CSC offense, the court, upon the victim's request, would have to order the examination or testing to be done within 48 hours after the time that the information or indictment was presented and the defendant was in custody or had been served with the information or indictment. The court would have to include in its order a provision that required follow-up examination or testing that was considered medically appropriate based on the results of the initial exam or test.

The bill would take effect 90 days after its enactment.

MCL 333.5129

Legislative Analyst: Patrick Affholter

### **FISCAL IMPACT**

Relative to current practices, the bill would create a deadline in which a medical exam or test would have to be performed on a defendant. To the extent that these tests are already performed in local jails, there would be no fiscal impact. Also, to the extent it is current practice for local jails to require a follow-up medically appropriate exam or test, there would be no fiscal impact. The bill would have no fiscal impact on State government.

Date Completed: 9-19-14

Fiscal Analyst: John Maxwell

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.