

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**

A Bill

HOUSE BILL

4 **By: Representatives Willems and Steele**

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For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE ANNOTATED § 16-82-101 TO
9 REQUIRE PERSONS ARRESTED AND CHARGED WITH CERTAIN CRIMINAL
10 OFFENSES TO BE TESTED FOR THE PRESENCE OF HIV; AND FOR
11 OTHER PURPOSES."

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13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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15 SECTION 1. Arkansas Code Annotated § 16-82-101 is amended to read as
16 follows:

17 "16-82-101. Testing for human immunodeficiency virus.

18 (a) A person with Acquired Immunodeficiency Syndrome (AIDS) or who
19 tests positive for the presence of Human Immunodeficiency Virus (HIV) antigen
20 or antibodies is infectious to others through the exchange of body fluids
21 during sexual intercourse and through the parenteral transfer of blood or
22 blood products and under these circumstances is a danger to the public.

23 (b) (1) Any person arrested and charged with violating
24 §§ 5-14-103 - 5-14-109, §§ 5-14-120 - 5-14-122, and § 5-70-102 shall be
25 required by the court having jurisdiction of the criminal prosecution, upon a
26 finding of reasonable cause to believe that the person committed the offense
27 and subject to constitutional limitations, to be tested for the presence of
28 HIV or any antibody to HIV.

29 (2) The test shall be confidentially administered by a licensed
30 physician, the Department of Health, or a local health department.

31 (c) If the victim or person with whom the defendant engaged in sexual
32 penetration during the course of the crime consents, the court shall provide
33 the person or agency administering the test with the name, address, and
34 telephone number of the victim or person with whom the defendant engaged in
35 sexual penetration during the course of the crime. After the defendant is

1 tested as to the presence of HIV or an antibody to HIV, the person or agency
2 administering the test shall immediately provide the test results to the
3 victim or person with whom the defendant engaged in sexual penetration during
4 the course of the crime, and shall refer the victim or other person for
5 appropriate counseling."

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7 SECTION 2. All provisions of this act of a general and permanent nature
8 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
9 Revision Commission shall incorporate the same in the Code.

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11 SECTION 3. If any provision of this act or the application thereof to
12 any person or circumstance is held invalid, such invalidity shall not affect
13 other provisions or applications of the act which can be given effect without
14 the invalid provision or application, and to this end the provisions of this
15 act are declared to be severable.

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17 SECTION 4. All laws and parts of laws in conflict with this act are
18 hereby repealed.

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