

*As Engrossed: 1/25/93*

1 **State of Arkansas**  
2 **79th General Assembly**  
3 **Regular Session, 1993**

# **A Bill**

**HOUSE BILL 1109**

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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## **Subtitle**

14 "AN ACT RELATING TO HIV TESTING OF PERSONS CHARGED WITH  
15 CERTAIN OFFENSES."

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

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19 *SECTION 1. Arkansas Code Annotated §16-82-101 is amended by adding a*  
20 *new subsection as follows:*

21 *"(d) (1) It shall be mandatory that upon request of the victim, and*  
22 *conviction of the defendant, a court of competent jurisdiction shall order the*  
23 *convicted person to submit to testing to detect in defendant the presence of*  
24 *the etiologic agent for A.I.D.S. or H.I.V.*

25 *(2) For purposes of this subsection:*

26 *(A) The term 'convicted' includes adjudicated under*  
27 *juvenile proceeding; and*

28 *(B) The term 'sexual offense' shall mean those offenses*  
29 *enumerated in subsection (b) (1) of this section.*

30 *(3) The testing of a person convicted of a sexual offense as*  
31 *enumerated in subsection (b) (1) of this section shall be conducted by the*  
32 *Arkansas Department of Health upon an order of a circuit court.*

33 *(4) The results of any test(s) performed pursuant to this*  
34 *subchapter shall immediately be released to the victim and the defendant.*

35 *(5) Any victim of a sexual offense as enumerated in subsection*

1 (b)(1) of this section shall, upon request of the victim, receive:

2 (A) appropriate counselling;

3 (B) H.I.V. testing; and

4 (C) referral or delivery for appropriate health care and  
5 support services."

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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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*/s/F. Willems, et al*

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