

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

A Bill

ACT 616 OF 1993
HOUSE BILL 1560

4 **By: Representatives Beatty, K. Wood, and Willems**

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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 otherwise, the results of any tests performed shall be confidential and not
36 subject to disclosures as public information under the Freedom of Information

1 Act, §25-19-101, et seq.

2 (5) Any victim of a sexual offense as enumerated in subsection
3 (b)(1) of this section shall, upon request of the victim, receive:

4 (A) appropriate counselling;

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

6 (C) referral or delivery for appropriate health care and
7 support services."

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

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

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20 hereby repealed.

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/s/Rep. Beatty, et al

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APPROVED: 3/22/93

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