

SB 1025 STAFF MEASURE SUMMARY

Senate Committee On Judiciary

Prepared By: Josh Nasbe, Counsel

Meeting Dates: 4/5

WHAT THE MEASURE DOES:

Modifies showing specified public safety officials must make to compel testing of person for HIV or hepatitis B or C, following exposure to the person's bodily fluids. Requires court to issue order within three judicial days of petition. Creates similar process applicable to public safety officials exposed to other communicable diseases.

REVENUE: May have revenue impact, but no statement yet issued

FISCAL: May have fiscal impact, but no statement yet issued

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

BACKGROUND:

Under current law, certain public safety officials who come into contact with the bodily fluids of another may petition the court compelling the testing of the other person for HIV or hepatitis B or C. The public safety official must demonstrate that the official has been exposed to bodily fluids and that there is "probable cause to conclude that a significant possibility exists that the petitioner has been exposed to HIV or hepatitis B or C." Senate Bill 1025 directs the court to order testing if the official demonstrates "probable cause to conclude that the petitioner has been exposed to the bodily fluids of another person and that those bodily fluids may transmit HIV or hepatitis B or C." Senate Bill 1025 also creates a new section of law that would authorize testing based on probable cause to believe that the petitioner has been exposed to the bodily fluids of another and that those fluids may transmit a communicable disease specified in the petition.