

GENERAL ASSEMBLY OF NORTH CAROLINA
1993 SESSION

CHAPTER 489
SENATE BILL 799

AN ACT TO PROVIDE THAT A DEFENDANT, AFTER A FINDING OF PROBABLE CAUSE OR INDICTMENT FOR COMMITTING A NONCONSENSUAL SEX OFFENSE, SHALL BE TESTED FOR CERTAIN SEXUALLY TRANSMITTED INFECTIONS UPON THE REQUEST OF THE VICTIM.

The General Assembly of North Carolina enacts:

Section 1. Article 30 of Chapter 15A of the General Statutes is amended by adding a new section to read:

"§ 15A-615. Testing of certain persons for sexually transmitted infections.

(a) After a finding of probable cause or indictment for an offense that involves nonconsensual vaginal, anal, or oral intercourse or that involves vaginal, anal, or oral intercourse with a child 12 years old or less, the victim or the parent, guardian, or guardian **ad litem** of a minor victim may request that a defendant be tested for the following sexually transmitted infections:

- (1) Chlamydia;
- (2) Gonorrhea;
- (3) Hepatitis B;
- (4) HIV; and
- (5) Syphilis.

(b) Upon a request under subsection (a) of this section, the district attorney shall petition the court on behalf of the victim for an order requiring the defendant to be tested. Upon finding that there is probable cause to believe that the alleged sexual contact involved in the offense would pose a significant risk of transmission of a sexually transmitted infection listed in subsection (a) of this section, the court shall order the defendant to submit to testing for these infections.

(c) If the defendant is in the custody of the Department of Correction, the defendant shall be tested by the Department of Correction. If the defendant is not in the custody of the Department of Correction, the defendant shall be tested by the local health department. The Department of Correction shall inform the local health director of all test results. The local health director shall ensure that the victim is informed of the results of the tests and counseled appropriately. The agency conducting the tests shall inform the defendant of the results of the tests and ensure that the defendant is counseled appropriately. The results of the tests shall not be admissible as evidence in any criminal proceeding."

Sec. 2. This act becomes effective 1 October 1993, and applies to offenses occurring on or after that date.

In the General Assembly read three times and ratified this the 23rd day of July, 1993.

Dennis A. Wicker
President of the Senate

Daniel Blue, Jr.
Speaker of the House of Representatives