

GENERAL ASSEMBLY OF NORTH CAROLINA

EXTRA SESSION 1994

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HOUSE BILL 53
Second Edition Engrossed 2/24/94

Short Title: STD Test/Indecent Liberties Off.

(Public)

Sponsors: Representatives Colton; Arnold, Berry, Bowman, Brawley, Burton, Cromer, Culp, Cunningham, Dickson, Easterling, Gardner, Gottovi, Hall, Ives, Jenkins, Kuczmarski, Lemmond, McCombs, McLaughlin, McLawhorn, Mitchell, Nichols, Ramsey, Russell, Sexton, Spears, Stewart, Sutton, Wilkins, Wood, and Yongue.

Referred to: Judiciary II.

February 8, 1994

A BILL TO BE ENTITLED

1 AN ACT TO PROVIDE THAT A DEFENDANT, AFTER A FINDING OF
2 PROBABLE CAUSE OR INDICTMENT FOR COMMITTING INDECENT
3 LIBERTIES WITH A CHILD FIFTEEN YEARS OLD OR YOUNGER WHICH
4 INVOLVES A SEX OFFENSE, SHALL BE TESTED FOR CERTAIN
5 SEXUALLY TRANSMITTED INFECTIONS UPON THE REQUEST OF THE
6 VICTIM AND TO ADD HERPES TO THE LIST OF SEXUALLY
7 TRANSMITTED INFECTIONS.
8

9 The General Assembly of North Carolina enacts:

10 Section 1. G.S. 15A-615(a) reads as rewritten:

11 "(a) After a finding of probable cause pursuant to the provisions of Article 30 of
12 Chapter 15A of the General Statutes or indictment for an offense that involves
13 nonconsensual vaginal, anal, or oral ~~intercourse~~ or intercourse, an offense that involves
14 vaginal, anal, or oral intercourse with a child 12 years old or less, or an offense under
15 G.S. 14-202.1 that involves vaginal, anal, or oral intercourse with a child less than 16
16 years old, the victim or the parent, guardian, or guardian **ad litem** of a minor victim
17 may request that a defendant be tested for the following sexually transmitted infections:

- 18 (1) Chlamydia;
- 19 (2) Gonorrhea;
- 20 (3) Hepatitis B;

1 (4) Herpes;
2 ~~(4)~~(5) HIV; and
3 ~~(5)~~(6) Syphilis.

4 In the case of herpes, the defendant, pursuant to the provisions of this section, shall be
5 examined for oral and genital herpetic lesions and, if a suggestive but nondiagnostic
6 lesion is present, a culture for herpes shall be performed."

7 Sec. 2. This act becomes effective January 1, 1995, and applies to offenses
8 occurring on or after that date.