

STATE OF OKLAHOMA

1st Session of the 43rd Legislature (1991)

HOUSE BILL NO. 1395

BY: MONKS

AS INTRODUCED

AN ACT RELATING TO PUBLIC HEALTH AND SAFETY; AMENDING 63 O.S. 1981, SECTION 1-524, WHICH RELATES TO EXAMINATIONS OF CERTAIN PRISONERS; AUTHORIZING THE TESTING FOR CERTAIN COMMUNICABLE DISEASES UPON COURT ORDER; REQUIRING TESTING UPON COURT ORDER FOR PERSONS ARRESTED FOR CERTAIN OFFENSES; AMENDING 63 O.S. 1981, SECTION 1-525, WHICH RELATES TO THE CONFIDENTIALITY OF CERTAIN RECORDS; PROVIDING EXCEPTIONS; REQUIRING THE STATE BOARD OF HEALTH TO PROMULGATE CERTAIN RULES AND REGULATIONS; AND PROVIDING AN EFFECTIVE DATE.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 63 O.S. 1981, Section 1-524, is amended to read as follows:

Section 1-524. (a) The keeper of any prison or penal institution in this state shall cause to be examined every person confined in such prison or penal institution, to determine whether such person is an infected person.

(b) The State Commissioner of Health and local health officers, or their authorized deputies who are physicians, may examine persons who are arrested by lawful warrant for ~~vagrancy~~, prostitution, ~~rape~~

~~or other sex crimes not specified in subsection (c) of this section,~~
~~for the purpose of determining if they are infected with a venereal~~
~~disease or a communicable disease including, but not limited to the~~
~~human immunodeficiency virus (HIV). Every such person shall submit~~
~~to the examination and permit specimens to be taken for laboratory~~
~~examinations. Such person may be detained until the results of the~~
~~examination are known. The required examination shall be made by~~
~~the Commissioner or local health officer or, at the option of the~~
~~person to be examined, by an approved licensed physician. Such Any~~
~~such examination shall be made subsequent to arrest ~~and a~~ upon order~~
~~of the court issued at the arraignment of the arrested person. Upon~~
~~order of the court, the person shall submit to the examination and~~
~~permit specimens to be taken for laboratory examinations. Such~~
~~person may be detained until the results of the examination are~~
~~known. The examination shall be made by the Commissioner or local~~
~~health officer or, at the option of the person to be examined, by an~~
~~approved licensed physician. A determination as to whether or not~~
~~the person is infected shall not be based on any prior examination.~~
Any person found to be infected with a venereal disease shall be
treated by the Commissioner or local health officer, or a physician
of such person's own choice, until such person is noninfectious or
dismissed by the Commissioner or local health officer or physician.
In the event a person infected with a venereal disease refuses or
fails to submit to treatment, then such person may be quarantined
for the purpose of treatment, and a report thereof shall be made to
the State Commissioner of Health.

(c) The State Commissioner of Health and local health officers,
or their authorized deputies who are physicians, shall examine
persons who are arrested by lawful warrant for the offense of first
or second degree rape, forcible sodomy or the intentional infection
or attempt to intentionally infect a person with the human
immunodeficiency virus pursuant to Section 1192.1 of Title 21 of the

Oklahoma Statutes, for the purpose of determining if they are infected with a venereal disease or a communicable disease including, but not limited to the human immunodeficiency virus (HIV). The court shall issue an order for this examination upon the arraignment of the person arrested for any of the offenses specified in this subsection.

SECTION 2. AMENDATORY 63 O.S. 1981, Section 1-525, is amended to read as follows:

Section 1-525. ~~The~~ A. Except as otherwise provided by law, the prescription and records required by the foregoing provisions to be filed and kept shall not be exposed to any person other than the State Commissioner of Health or local health officer, or when properly ordered by a court of competent jurisdiction to be used as evidence in such court, and no information whatever shall be given to any person concerning any infected person except to appropriate persons for use in the proper courts of this state. Provided, however, that records of diagnosis and treatment may be transmitted to physicians and to health authorities in this and other states upon written request of the person affected and records of diagnosis of the person arrested by lawful warrant for the offense of prostitution, first or second degree rape, forcible sodomy, intentional infection or attempted intentional infection of a person with the human immunodeficiency virus, or other sex crime shall be provided to the alleged victim of such crime upon request of the victim or upon request of the parent or legal guardian or custodian of the victim, if such victim is a minor or declared legally incompetent by the court. The name of the arrested person shall not be disclosed on the transmitted record of diagnosis, if such record is transmitted to the victim or parent, legal guardian or custodian of the victim. Such record may be identified by the initials of the arrested person.

B. The State Board of Health shall promulgate rules and regulations for the examination authorized or required by Section 1 of this act and the release of records of diagnosis authorized by subsection A of this section. The rules and regulations shall provide criteria which respects the rights of the victim of the alleged offense and the rights of the person arrested for the alleged offense.

SECTION 3. This act shall become effective September 1, 1991.

43-1-5253

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