

ENROLLED HOUSE
BILL NO. 2570

By: Perry, Askins, Adkins,
Boyd (Betty), Bryant,
Case, Claunch, Dank,
Davis, Ferguson,
Greenwood, Hastings,
Hiett, Ingmire, Lindley,
Liotta, Maddux, Newport,
O'Neal, Pettigrew,
Phillips, Pope (Tim),
Reese, Roach, Sullivan
(Leonard), Thornbrugh,
Vaughn, Weese, Worthen,
Gilbert, Coleman, Webb
and Staggs of the House

and

Smith, Campbell and
Williams of the Senate

An Act relating to public health and safety;
amending 63 O.S. 1991, Section 1-524, which relates
to testing certain persons for human
immunodeficiency virus; allowing court to order
certain examination upon initial appearance of
arrested person; modifying court proceeding at
which certain orders may be entered; defining term;
providing an effective date; and declaring an
emergency.

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

SECTION 1. AMENDATORY 63 O.S. 1991, 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. Any licensed ~~physicians~~ physician may examine persons who
are arrested by lawful warrant for prostitution, 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). Any such examination shall be made
subsequent to arrest and if the examination is for the human
immunodeficiency virus, upon order of the court issued at the
~~arraignment~~ initial appearance of the arrested person. Every person
shall submit to the examination and shall 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 a 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 State Commissioner of Health 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. A licensed physician 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. At the request of the victim or the district attorney, the judge may order such examination and test at the initial appearance or thereafter upon a motion of the victim or the district attorney. The order requiring such examination and test shall not include the name and address of the alleged victim but shall provide that the alleged victim shall be notified of the test results.

D. For purposes of this section, the term "initial appearance" shall refer to the first court appearance of an individual, in person or by closed circuit television, before a magistrate on a presentment, indictment or preliminary information on a felony offense.

SECTION 2. This act shall become effective July 1, 1998.

SECTION 3. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the House of Representatives the 13th day of April, 1998.

Speaker of the House of
Representatives

Passed the Senate the 31st day of March, 1998.

President of the Senate