

STATE OF OKLAHOMA

2nd Session of the 47th Legislature (2000)

SENATE BILL 1476

By: Haney

AS INTRODUCED

An Act relating to public health and safety; amending 63 O.S. 1991, Section 1-524, as amended by Section 1, Chapter 117, O.S.L. 1998 (63 O.S. Supp. 1999, Section 1-524), which relates to examinations of prisoners for certain diseases or infections; providing for examination of a person who bites another person; providing for issuance of order; providing for assessment of court costs; requiring confidentiality and notification of victim; and providing an effective date.

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

SECTION 1. AMENDATORY 63 O.S. 1991, Section 1-524, as amended by Section 1, Chapter 117, O.S.L. 1998 (63 O.S. Supp. 1999, 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. 1. a. Any licensed 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).

b. 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 initial appearance of the arrested person.

c. 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.

d. 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.

2. a. 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.

b. 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 Commissioner.

C. 1. 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).

2. a. 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.

b. 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.

c. 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. 1. A licensed physician shall examine a person who bites another person for the purpose of determining if such person is infected with a communicable disease including, but not limited to, the human immunodeficiency virus (HIV).

2. The court shall issue an order for such examination at the request of the victim or the district attorney at the initial appearance or thereafter upon a motion of the victim or the district attorney.

3. The order requiring such examination shall not include the name and address of the alleged victim but shall provide that the alleged victim shall be notified of the results of the examination.

4. The cost of the examination provided for in this subsection shall be assessed as court costs and shall be borne by the defendant upon a determination of guilt.

E. 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 November 1, 2000.

47-2-1880

CJ

6/12/2015 1:43:00 AM