



Ohio Legislative Service Commission

Bill Analysis

Aida S. Montano

H.B. 566

129th General Assembly
(As Introduced)

Reps. M. Slaby, J. Adams, Terhar, Wachtmann

BILL SUMMARY

- Authorizes a court to inform the victim of any of specified offenses, without waiting for the victim's request, of the results of a court-ordered HIV test of the person accused of the offense.

CONTENT AND OPERATION

Court-ordered testing for HIV

Under continuing law, if a person is charged with felonious assault by knowingly engaging in sexual conduct under specified circumstances with knowledge that the person has tested positive as a carrier of a virus that causes acquired immunodeficiency syndrome, is charged with rape, sexual battery, unlawful sexual conduct with a minor, gross sexual imposition, soliciting, engaging in solicitation after a positive HIV test, loitering to engage in solicitation, loitering to engage in solicitation after a positive HIV test, prostitution, or engaging in prostitution after a positive HIV test, or is charged with a violation of a municipal ordinance that is substantially equivalent to any of those offenses, the court, upon the request of the prosecutor in the case, upon the request of the victim, or upon the request of any other person whom the court reasonably believes had contact with the accused in circumstances related to the violation that could have resulted in the transmission to that person of the human immunodeficiency (HIV) virus, must cause the accused to submit to one or more tests designated by the Director of Health under R.C. 3701.241 (development and administration of AIDS and HIV related programs) to determine if the accused is infected with HIV. The court, upon the request of the prosecutor in the case, upon the request of the victim with the agreement of the prosecutor, or upon the request of any

other person with the agreement of the prosecutor, may cause an accused who is charged with a violation of any other section of the Revised Code or with a violation of any other municipal ordinance to submit to one or more tests so designated by the Director of Health if the circumstances of the violation indicate probable cause to believe that the accused, if the accused is infected with HIV, might have transmitted HIV to any of the following persons in committing the violation:¹

(1) In relation to a request made by the prosecuting attorney, to the victim or to any other person;

(2) In relation to a request made by the victim, to the victim making the request;

(3) In relation to a request made by any other person, to the person making the request.

Existing law requires the results of a test performed as described above to be communicated in confidence to the court, and the court must inform the accused of the result. The court must inform the victim that the test was performed and that the victim has a right to receive the results on request. Under the bill, the court must inform the victim that the test was performed and *either inform the victim of the result or inform the victim that the victim has a right to receive the results on request* (italicized language is added by the bill).²

HISTORY

ACTION	DATE
Introduced	06-12-12

H0566-I-129.docx/emr

¹ R.C. 2907.27(B)(1)(a).

² R.C. 2907.27(B)(1)(b).

