

SENATE BILL NO. 1436

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on the Judiciary

on \_\_\_\_\_)

(Patron Prior to Substitute--Senator Dunnavant)

A BILL to amend the Code of Virginia by adding a section numbered 18.2-61.1, relating to testing of certain persons for sexually transmitted infections.

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding a section numbered 18.2-61.1 as follows:**

**§ 18.2-61.1. Testing of certain persons for sexually transmitted infections.**

A. Upon the motion of the attorney for the Commonwealth upon the request of the complaining witness, the court shall order the defendant to submit to diagnostic testing for sexually transmitted infections within 48 hours and any follow-up testing as may be medically appropriate at any point following indictment, arrest by warrant, or service of a petition in the case of a juvenile of any crime involving sexual assault pursuant to this article or any offenses against children as prohibited by §§ 18.2-361, 18.2-366, 18.2-370, and 18.2-370.1.

B. Confirmatory tests shall be conducted before any test result shall be determined to be positive. The results of the tests shall be confidential as provided in § 32.1-127.1:03; however, the Department of Health shall also disclose the results to any victim and offer appropriate counseling. The Department shall conduct surveillance and investigation in accordance with § 32.1-39.

The results of such tests shall not be admissible as evidence in any criminal proceeding.

The cost of such tests shall be paid by the Commonwealth and taxed as part of the cost of such criminal proceedings.

C. As used in this section, "sexually transmitted infections" includes chlamydia, gonorrhea, syphilis, trichomoniasis, human immunodeficiency virus, hepatitis B and C viruses, human

26 papillomavirus, genital herpes, and any other sexually transmittable infection required to be reported by  
27 the Board of Health pursuant to § 32.1-35.

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