

By Mr. Locke, petition (accompanied by bill, Senate, No. 452) of David H. Locke, Edward P. Kirby, Richard R. Tisei, Charles E. Shannon, Christopher M. Lane, Matthew J. Amorello, Henri S. Rauschenbach and Robert H. Marsh for legislation to require that persons convicted of rape or any crime which may result in the victim's exposure to the AIDS virus be tested for the presence of the HTLV-III antibody or antigen and to provide the victim access to the test results. Health Care.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety-Two.

AN ACT RELATIVE TO ANY CRIME WHICH MAY RESULT IN THE VICTIM'S EXPOSURE TO THE AIDS VIRUS BE TESTED FOR THE PRESENCE OF THE HTLV-III ANTIBODY OR ANTIGEN AND PROVIDING THE VICTIM ACCESS TO THE TEST RESULTS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

- 1 SECTION 1. Chapter 265 of the General Laws is hereby
- 2 amended by adding the following new section: —
- 3 Section 41. Whoever has been convicted of rape or any other
- 4 criminal offense described in this chapter or elsewhere in the
- 5 General Laws which results in the reasonable possibility of the
- 6 victim's having contracted the AIDS virus in any form, shall be
- 7 required to be tested for the presence of the HTLV-III antibody
- 8 or antigen, within thirty days of his original conviction, and at
- 9 such other times as may be necessary to determine any risk to the
- 10 victim of contracting the AIDS virus. If in the opinion of the
- 11 victim's physician the reasonable possibility of the victim's having
- 12 contracted the AIDS virus exists, said test shall be required. The
- 13 results of the test, or tests, required under this section shall not
- 14 be disclosed to any person other than the victim of the crime.

1 SECTION 2. The first paragraph of section 3 of chapter 258B
2 of the General Laws is hereby amended by adding at the end
3 thereof the following subparagraph: —

4 (m) for victims of the crime of rape or any other criminal
5 offense which in the opinion of the victim's physician may have
6 resulted in a reasonable possibility of the victim's having
7 contracted the AIDS virus, to have access to the results of the
8 test, or tests, for the presence of the HTLV-III antibody or antigen
9 required under section 41 of chapter 265.

1 SECTION 3. Section 70F of chapter 111 of the General Laws
2 is hereby amended by adding at the end thereof, the following: —

3 The confidentiality provisions contained in this section shall not
4 prevent either the testing or the disclosure required under
5 section 41 of chapter 265.