
HOUSE BILL 2451

State of Washington 53rd Legislature 1994 Regular Session

By Representatives Padden, Long, Brough, Sheahan, Wood, Tate and Mielke

Read first time 01/14/94. Referred to Committee on Judiciary.

1 AN ACT Relating to juvenile offenders; amending RCW 43.43.754 and
2 70.24.340; and creating a new section.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 43.43.754 and 1990 c 230 s 3 are each amended to read
5 as follows:

6 After July 1, 1990, every (~~individual~~) adult or juvenile
7 convicted in a Washington superior court of a felony defined as a sex
8 offense under RCW 9.94A.030(~~(+29)(a)~~) or a violent offense as defined
9 in RCW 9.94A.030(~~(+32)~~) shall have a blood sample drawn for purposes
10 of DNA identification analysis. For persons convicted of such offenses
11 after July 1, 1990, who are serving a term of confinement in a county
12 jail or detention facility, the county shall be responsible for
13 obtaining blood samples prior to release from the county jail or
14 detention facility. For persons convicted of such offenses after July
15 1, 1990, who are serving a term of confinement in a department of
16 corrections facility or a department of social and health services
17 facility, the department shall be responsible for obtaining blood
18 samples prior to release from such facility. Any blood sample taken
19 pursuant to RCW 43.43.752 through 43.43.758 shall be used solely for

1 the purpose of providing DNA or other blood grouping tests for
2 identification analysis and prosecution of a sex offense or a violent
3 offense. For purposes of this section, the term "convicted" means an
4 adult conviction or juvenile adjudication of a felony that is a sex
5 offense or a violent offense.

6 **Sec. 2.** RCW 70.24.340 and 1988 c 206 s 703 are each amended to
7 read as follows:

8 (1) Local health departments authorized under this chapter shall
9 conduct or cause to be conducted pretest counseling, HIV testing, and
10 posttest counseling of all persons:

11 (a) Convicted of a sexual offense under chapter 9A.44 RCW;

12 (b) Convicted of prostitution or offenses relating to prostitution
13 under chapter 9A.88 RCW; or

14 (c) Convicted of drug offenses under chapter 69.50 RCW if the court
15 determines at the time of conviction that the related drug offense is
16 one associated with the use of hypodermic needles.

17 (2) Such testing shall be conducted as soon as possible after
18 sentencing and shall be so ordered by the sentencing judge.

19 (3) This section applies only to offenses committed after March 23,
20 1988.

21 (4) A law enforcement officer, fire fighter, health care provider,
22 health care facility staff person, or other categories of employment
23 determined by the board in rule to be at risk of substantial exposure
24 to HIV, who has experienced a substantial exposure to another person's
25 bodily fluids in the course of his or her employment, may request a
26 state or local public health officer to order pretest counseling, HIV
27 testing, and posttest counseling for the person whose bodily fluids he
28 or she has been exposed to. The person who is subject to the order
29 shall be given written notice of the order promptly, personally, and
30 confidentially, stating the grounds and provisions of the order,
31 including the factual basis therefor. If the person who is subject to
32 the order refuses to comply, the state or local public health officer
33 may petition the superior court for a hearing. The standard of review
34 for the order is whether substantial exposure occurred and whether that
35 exposure presents a possible risk of transmission of the HIV virus as
36 defined by the board by rule. Upon conclusion of the hearing, the
37 court shall issue the appropriate order. The state or local public
38 health officer shall perform counseling and testing under this

1 subsection if he or she finds that the exposure was substantial and
2 presents a possible risk as defined by the board of health by rule.

3 (5) For purposes of this section, the term "convicted" means adult
4 convictions or juvenile adjudications of the offenses listed in
5 subsection (1) of this section.

6 NEW SECTION. Sec. 3. The amendment to RCW 70.24.340 contained in
7 section 2, chapter ..., Laws of 1994 (section 2 of this act) is a
8 codification of the Washington State Supreme Court's decision in In re
9 A, B, C, D, E, 121 Wn.2d 80 (1993) interpreting RCW 70.24.340 and is
10 not intended to reflect a change in existing law.

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