

Enrolled. D. Pass 3/11/87 (2648)

Senate File 340

Reprinted 4/87

JUDICIARY: Fraise, Chair; Mann and Taylor

FILED MAR 05 1987

SENATE FILE 340  
BY FRAISE

Passed Senate, Date 4-7-87 (p. 1127) Passed House, Date 5/9/87 (p. 275)

Vote: Ayes 44 Nays 0 Vote: Ayes 93 Nays 2

Approved June 3, 1987

**A BILL FOR**

1 An Act relating to the testing of blood or other bodily specimens  
2 of persons committed to an institution under the control of  
3 the Iowa department of corrections, and providing a penalty.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 340

1 Section 1. Section 140.2, Code 1987, is amended to read as  
2 follows:

3 140.2 DEFINITION.

4 For the purposes of this chapter venereal disease shall  
5 mean means syphilis, gonorrhoea, chancroid, granuloma  
6 inguinale, and lymphogranuloma venereum, acquired immune  
7 deficiency syndrome, and other communicable venereal diseases  
8 as identified by the department of public health.

9 Sec. 2. NEW SECTION. 140.16 REQUIRED TEST.

10 A person committed to an institution under the control of  
11 the Iowa department of corrections, or to a jail or  
12 correctional institution, who bites another person, or who  
13 causes any bodily secretion to be cast upon another person,  
14 shall submit to the withdrawal of a bodily specimen for  
15 testing to determine if the person is infected with a  
16 contagious venereal disease. The bodily specimen to be taken  
17 shall be determined by the staff physician of the institution,  
18 or in the case of a jail, the county medical examiner. The  
19 specimen taken shall be sent to the state university at Iowa  
20 City or some other laboratory approved by the state department  
21 of public health. If a person to be tested pursuant to this  
22 section refuses to submit to the withdrawal of a bodily  
23 specimen, application may be made by the director of an  
24 institution or a county attorney to the district court for an  
25 order compelling the person to submit to the withdrawal and if  
26 infected, to treatment. An order authorizing the withdrawal  
27 of a specimen for testing may be issued only by a district  
28 court or district associate court judge upon application by  
29 the director of an institution or a county attorney.

30 Failure to comply with an order issued pursuant to this  
31 section is punishable as an aggravated misdemeanor.

32 EXPLANATION

33 This bill provides that a bodily specimen may be taken from  
34 a person committed to an institution under the direction of  
35 the department of corrections, county jail, or other

1 correctional institution for testing for a communicable  
2 venereal disease if that person bites another person or causes  
3 any bodily secretion to be cast upon another. An order may be  
4 issued by the district court or a district associate court  
5 judge requiring the test to be made. Failure to comply with a  
6 court order, by a person refusing to submit to the withdrawal  
7 of a specimen for testing, is punishable as an aggravated  
8 misdemeanor.

STATE OF IOWA

**FISCAL NOTE** TO

LSB No. 2521S  
Staff ID JMN

REQ. BY SENATOR FRAISE

SENATE FILE 340

In compliance with a written request received March 5, 1987, a fiscal note for **SENATE FILE 340** is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note are available from the Legislative Fiscal Bureau to members of the Legislature upon request.

Senate File 340 permits a bodily specimen to be taken from a person committed to an institution under the direction of the department of corrections, county jail, or other correctional institution for testing for a communicable venereal disease if that person bites another person or causes any bodily secretion to be cast upon another. Failure to comply with a court order by an inmate is punishable as an aggravated misdemeanor.

The fiscal effect of this bill is estimated to be minimal. Currently, a blood sample is taken on all inmates newly admitted into the custody of the department of corrections (at the Oakdale reception center). This service is provided free by the state hygenics lab, but has a market value of between \$10 and \$15. The Department of Corrections estimates that one percent of inmates would be tested (approximately 28 inmates). The annual cost of this bill is estimated to be under \$500 to the state and a minimal amount to counties and cities operating jails.

Source: Department of Corrections

(LSB 2521S, JMN)

*Dennis Prouty*  
Fiscal Director  
Legislative Fiscal Bureau  
Date: 3/23/87

Filed by the Sec. of the Senate March 24, 1987

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San July 4/8/87 Do Pass 4/13 (p. 1301)

SENATE FILE 340  
BY FRAISE

(AS AMENDED AND PASSED BY THE SENATE APRIL 7, 1987)

ALL New Language by the Senate

Passed Senate, Date 5/9/87 (p. 1852) Passed House, Date 5/4/87 (p. 2245)  
Vote: Ayes 44 Nays 0 Vote: Ayes 93 Nays 2  
Approved June 3, 1987

A BILL FOR

1 An Act relating to the testing of blood or other bodily specimens  
2 of persons committed to an institution under the control of  
3 the Iowa department of corrections or a jail under the charge  
4 of a sheriff or other person, and providing penalties.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

SENATE FILE 340

H-3804

1 Amend Senate File 340 as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. Page 1, line 26, by inserting after the word  
4 "department" the following: "or of a residential  
5 facility operated by a judicial district department of  
6 correctional services".  
7 2. Page 1, line 29, by striking the word "rules"  
8 and inserting the following: "policies and  
9 procedures".

H-3804 FILED APRIL 15, 1987 BY JAY of Appanoose  
*Adopted 5/9/87 (p. 2245)*

SENATE FILE 340

H-3834

1 Amend Senate File 340, as amended, passed, and re-  
2 printed by the Senate, as follows:  
3 1. Page 1, by striking lines 30 through 33 and  
4 inserting the following: "of a contagious infectious  
5 disease to other persons."

H-3834 FILED APRIL 16, 1987 BY HALVORSON of Clayton  
*Adopted 5/7/87 (p. 2245)* HARBOR of Mills

1 Section 1. NEW SECTION. 246.514 REQUIRED TEST.

2 A person committed to an institution under the control of  
3 the department who bites another person, who causes an  
4 exchange of bodily fluids with another person, or who causes  
5 any bodily secretion to be cast upon another person, shall  
6 submit to the withdrawal of a bodily specimen for testing to  
7 determine if the person is infected with a contagious  
8 infectious disease. The bodily specimen to be taken shall be  
9 determined by the staff physician of the institution. The  
10 specimen taken shall be sent to the state hygienic laboratory  
11 at the state university at Iowa City or some other laboratory  
12 approved by the Iowa department of public health. If a person  
13 to be tested pursuant to this section refuses to submit to the  
14 withdrawal of a bodily specimen, application may be made by  
15 the superintendent of the institution to the district court  
16 for an order compelling the person to submit to the withdrawal  
17 and, if infected, to available treatment. An order  
18 authorizing the withdrawal of a specimen for testing may be  
19 issued only by a district judge or district associate judge  
20 upon application by the superintendent of the institution.

21 Failure to comply with an order issued pursuant to this  
22 section may result in the forfeiture of good conduct time, not  
23 to exceed one year, earned up to the time of the failure to  
24 comply.

25 Personnel at an institution under the control of the  
26 department shall be notified if a person committed to any of  
27 these institutions is found to have a contagious infectious  
28 disease.

29 The department shall adopt rules to prevent the transmittal  
30 of a contagious infectious disease to other persons, including  
31 the segregation of inmates serving short-term sentences, from  
32 inmates who test positive for acquired immune deficiency  
33 syndrome.

34 For purposes of this section, "infectious disease" means  
35 any infectious condition which if spread by contamination

1 would place others at a serious health risk.

2 Sec. 2. NEW SECTION. 356.48 REQUIRED TEST.

3 A person confined to a jail, who bites another person, who  
4 causes an exchange of bodily fluids with another person, or  
5 who causes any bodily secretion to be cast upon another  
6 person, shall submit to the withdrawal of a bodily specimen  
7 for testing to determine if the person is infected with a  
8 contagious infectious disease. The bodily specimen to be  
9 taken shall be determined by the attending physician of that  
10 jail or the county medical examiner. The specimen taken shall  
11 be sent to the state hygienic laboratory at the state  
12 university at Iowa City or some other laboratory approved by  
13 the Iowa department of public health. If a person to be  
14 tested pursuant to this section refuses to submit to the  
15 withdrawal of a bodily specimen, application may be made by  
16 the sheriff or person in charge of the jail to the district  
17 court for an order compelling the person to submit to the  
18 withdrawal and, if infected, to available treatment. An order  
19 authorizing the withdrawal of a specimen for testing may be  
20 issued only by a district judge or district associate judge  
21 upon application by the sheriff or person in charge of the  
22 jail.

23 A person who fails to comply with an order issued pursuant  
24 to this section is guilty of a serious misdemeanor.

25 Personnel at the jail shall be notified if a person  
26 confined is found to have a contagious infectious disease.

27 The sheriff or person in charge of the jail shall take any  
28 appropriate measure to prevent the transmittal of a contagious  
29 infectious disease to other persons, including the segregation  
30 of a confined person who tests positive for acquired immune  
31 deficiency syndrome from other confined persons.

32 For purposes of this section, "infectious disease" means  
33 any infectious condition which if spread by contamination  
34 would place others at serious health risk.

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SENATE FILE 340

S-3306

1 Amend Senate File 340 as follows:

2 1. By striking everything after the enacting  
3 clause and inserting the following:

4 "Section 1. NEW SECTION. 246.514 REQUIRED TEST.

5 A person committed to an institution under the  
6 control of the department who bites another person,  
7 who causes an exchange of bodily fluids with another  
8 person, or who causes any bodily secretion to be cast  
9 upon another person, shall submit to the withdrawal of  
10 a bodily specimen for testing to determine if the  
11 person is infected with a contagious infectious  
12 disease. The bodily specimen to be taken shall be  
13 determined by the staff physician of the institution.  
14 The specimen taken shall be sent to the state hygienic  
15 laboratory at the state university at Iowa City or  
16 some other laboratory approved by the Iowa department  
17 of public health. If a person to be tested pursuant  
18 to this section refuses to submit to the withdrawal of  
19 a bodily specimen, application may be made by the  
20 superintendent of the institution to the district  
21 court for an order compelling the person to submit to  
22 the withdrawal and, if infected, to available  
23 treatment. An order authorizing the withdrawal of a  
24 specimen for testing may be issued only by a district  
25 judge or district associate judge upon application by  
26 the superintendent of the institution.

27 Failure to comply with an order issued pursuant to  
28 this section may result in the forfeiture of good  
29 conduct time, not to exceed one year, earned up to the  
30 time of the failure to comply.

31 Personnel at an institution under the control of  
32 the department shall be notified if a person committed  
33 to any of these institutions is found to have a  
34 contagious infectious disease.

35 The department shall adopt rules to prevent the  
36 transmittal of a contagious infectious disease to  
37 other persons, including the segregation of inmates  
38 serving short-term sentences, from inmates who test  
39 positive for acquired immune deficiency syndrome.

40 For purposes of this section, "infectious disease"  
41 means any infectious condition which if spread by  
42 contamination would place others at a serious health  
43 risk.

44 Sec. 2. NEW SECTION. 356.48 REQUIRED TEST.

45 A person confined to a jail, who bites another  
46 person, who causes an exchange of bodily fluids with  
47 another person, or who causes any bodily secretion to  
48 be cast upon another person, shall submit to the  
49 withdrawal of a bodily specimen for testing to  
50 determine if the person is infected with a contagious

S-3306 pg. 2

1 infectious disease. The bodily specimen to be taken  
2 shall be determined by the attending physician of that  
3 jail or the county medical examiner. The specimen  
4 taken shall be sent to the state hygienic laboratory  
5 at the state university at Iowa City or some other  
6 laboratory approved by the Iowa department of public  
7 health. If a person to be tested pursuant to this  
8 section refuses to submit to the withdrawal of a  
9 bodily specimen, application may be made by the  
10 sheriff or person in charge of the jail to the  
11 district court for an order compelling the person to  
12 submit to the withdrawal and, if infected, to  
13 available treatment. An order authorizing the  
14 withdrawal of a specimen for testing may be issued  
15 only by a district judge or district associate judge  
16 upon application by the sheriff or person in charge of  
17 the jail.

18 A person who fails to comply with an order issued  
19 pursuant to this section is guilty of a serious  
20 misdemeanor.

21 Personnel at the jail shall be notified if a person  
22 confined is found to have a contagious infectious  
23 disease.

24 The sheriff or person in charge of the jail shall  
25 take any appropriate measure to prevent the  
26 transmittal of a contagious infectious disease to  
27 other persons, including the segregation of a confined  
28 person who tests positive for acquired immune  
29 deficiency syndrome from other confined persons.

30 For purposes of this section, "infectious disease"  
31 means any infectious condition which if spread by  
32 contamination would place others at serious health  
33 risk."

34 2. Title page, by striking line 3 and inserting  
35 the following: "the Iowa department of corrections or  
36 a jail under the charge of a sheriff or other person,  
37 and providing penalties."

S-3306

Filed March 27, 1987

*Placed o/c 4/7 (p. 1126)*

*Reconsidered & Adopted (p. 1127)*

BY EUGENE FRAISE  
TOM MANN, JR.  
LARRY MURPHY  
DONALD V. DOYLE



SENATE FILE 340

S-3239

1 Amend Senate File 340 as follows:

2 1. By striking everything after the enacting  
3 clause and inserting the following:

4 "Section 1. NEW SECTION. 246.514 REQUIRED TEST.

5 A person committed to an institution under the  
6 control of the Iowa department of corrections, or to a  
7 jail or correctional institution, who bites another  
8 person, who causes an exchange of bodily fluids with  
9 another person, or who causes any bodily secretion to  
10 be cast upon another person, shall submit to the  
11 withdrawal of a bodily specimen for testing to  
12 determine if the person is infected with a contagious  
13 infectious disease. The bodily specimen to be taken  
14 shall be determined by the staff physician of the  
15 institution, or in the case of a jail, the attending  
16 physician of that jail or the county medical examiner.  
17 The specimen taken shall be sent to the state hygienic  
18 laboratory at the state university at Iowa City or  
19 some other laboratory approved by the state department  
20 of public health. If a person to be tested pursuant  
21 to this section refuses to submit to the withdrawal of  
22 a bodily specimen, application may be made by the  
23 director of an institution or a county attorney to the  
24 district court for an order compelling the person to  
25 submit to the withdrawal and if infected, to  
26 treatment. An order authorizing the withdrawal of a  
27 specimen for testing may be issued only by a district  
28 court or district associate court judge upon  
29 application by the director of an institution or a  
30 county attorney.

31 Failure to comply with an order issued pursuant to  
32 this section is punishable as an aggravated  
33 misdemeanor.

34 Personnel at an institution under the control of  
35 the Iowa department of corrections, or a jail or  
36 correctional institution shall be notified if a person  
37 committed to any of these institutions is found to  
38 have a contagious infectious disease. Proper measures  
39 shall be taken to avoid the transmittal of a  
40 contagious infectious disease to other persons.

41 For purposes of this chapter "infectious disease"  
42 means any infectious condition which if spread by  
43 contamination would place others at serious health  
44 risk."

S-3239

Filed March 24, 1987

BY EUGENE S. FRAISE

*Adopted 4/7 (p. 1126)*

*Reconsidered & w/d (p. 1127)*

SENATE FILE 340

S-3171

1 Amend Senate File 340 as follows:

2 1. Page 1, by inserting after line 31 the  
3 following:

4 "If the inmate to be tested pursuant to this  
5 section is working in Iowa state industries, or  
6 working pursuant to section 246.809, the cost of the  
7 test shall be paid out of wages earned by the inmate  
8 as provided under section 246.801.

9 Sec. 3. Section 246.801, subsection 2, Code 1987,  
10 is amended by adding the following new paragraph d and  
11 relettering the current paragraph d paragraph e.

12 NEW PARAGRAPH. d. Make it feasible to require  
13 that the inmates pay all or some portion of the cost  
14 of a test required under section 140.16."

S-3171

Filed March 16, 1987

BY JIM LIND

*Placed on file 4/7 (p. 1127)*

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HOUSE AMENDMENT TO  
SENATE FILE 340

S-4092

1 Amend Senate File 340, as amended, passed, and re-  
2 printed by the Senate, as follows:

3 1. Page 1, line 26, by inserting after the word  
4 "department" the following: "or of a residential  
5 facility operated by a judicial district department of  
6 correctional services".

7 2. Page 1, line 29, by striking the word "rules"  
8 and inserting the following: "policies and  
9 procedures".

10 3. Page 1, by striking lines 30 through 33 and  
11 inserting the following: "of a contagious infectious  
12 disease to other persons."

13 4. By renumbering, relettering, or redesignating  
14 and correcting internal references as necessary.

S-4092

Filed May 9, 1987

RECEIVED FROM THE HOUSE

*Senate concurred 5/9/87 (p. 1856)*

SENATE FILE 340

AN ACT

RELATING TO THE TESTING OF BLOOD OR OTHER BODILY SPECIMENS OF PERSONS COMMITTED TO AN INSTITUTION UNDER THE CONTROL OF THE IOWA DEPARTMENT OF CORRECTIONS OR A JAIL UNDER THE CHARGE OF A SHERIFF OR OTHER PERSON, AND PROVIDING PENALTIES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. NEW SECTION. 246.514 REQUIRED TEST.

A person committed to an institution under the control of the department who bites another person, who causes an exchange of bodily fluids with another person, or who causes any bodily secretion to be cast upon another person, shall submit to the withdrawal of a bodily specimen for testing to determine if the person is infected with a contagious infectious disease. The bodily specimen to be taken shall be determined by the staff physician of the institution. The specimen taken shall be sent to the state hygienic laboratory at the state university at Iowa City or some other laboratory approved by the Iowa department of public health. If a person to be tested pursuant to this section refuses to submit to the withdrawal of a bodily specimen, application may be made by the superintendent of the institution to the district court for an order compelling the person to submit to the withdrawal and, if infected, to available treatment. An order authorizing the withdrawal of a specimen for testing may be issued only by a district judge or district associate judge upon application by the superintendent of the institution.

Failure to comply with an order issued pursuant to this section may result in the forfeiture of good conduct time, not to exceed one year, earned up to the time of the failure to comply.

Personnel at an institution under the control of the department or of a residential facility operated by a judicial district department of correctional services shall be notified if a person committed to any of these institutions is found to have a contagious infectious disease.

The department shall adopt policies and procedures to prevent the transmittal of a contagious infectious disease to other persons.

For purposes of this section, "infectious disease" means any infectious condition which if spread by contamination would place others at a serious health risk.

Sec. 2. NEW SECTION. 356.48 REQUIRED TEST.

A person confined to a jail, who bites another person, who causes an exchange of bodily fluids with another person, or who causes any bodily secretion to be cast upon another person, shall submit to the withdrawal of a bodily specimen for testing to determine if the person is infected with a contagious infectious disease. The bodily specimen to be taken shall be determined by the attending physician of that jail or the county medical examiner. The specimen taken shall be sent to the state hygienic laboratory at the state university at Iowa City or some other laboratory approved by the Iowa department of public health. If a person to be tested pursuant to this section refuses to submit to the withdrawal of a bodily specimen, application may be made by the sheriff or person in charge of the jail to the district court for an order compelling the person to submit to the withdrawal and, if infected, to available treatment. An order authorizing the withdrawal of a specimen for testing may be issued only by a district judge or district associate judge upon application by the sheriff or person in charge of the jail.

A person who fails to comply with an order issued pursuant to this section is guilty of a serious misdemeanor.

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Personnel at the jail shall be notified if a person confined is found to have a contagious infectious disease.

The sheriff or person in charge of the jail shall take any appropriate measure to prevent the transmittal of a contagious infectious disease to other persons, including the segregation of a confined person who tests positive for acquired immune deficiency syndrome from other confined persons.

For purposes of this section, "infectious disease" means any infectious condition which if spread by contamination would place others at serious health risk.

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JO ANN ZIMMERMAN  
President of the Senate

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DONALD D. AVENSON  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 340, Seventy-second General Assembly.

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JOHN F. DWYER  
Secretary of the Senate

Approved  3, 1987

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TERRY E. BRANSTAD  
Governor