

House Study Bill 76

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
CORRECTIONS BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to required testing for infectious diseases of
2 persons under supervision of judicial district departments of
3 correctional services.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1219DP 83
6 jm/rj/8

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1 1 Section 1. NEW SECTION. 905.15 REQUIRED TEST.
1 2 1. For purposes of this section, "infectious disease"
1 3 means any infectious condition, which if spread by
1 4 contamination, would place others at a serious health risk.
1 5 2. A person under supervision of a district department,
1 6 who bites another person, who causes an exchange of bodily
1 7 fluids with another person, or who causes any bodily secretion
1 8 to be cast upon another person, shall submit to the withdrawal
1 9 of a bodily specimen for testing to determine if the person is
1 10 infected with a contagious infectious disease. The bodily
1 11 specimen to be taken shall be determined by a physician. The
1 12 specimen taken shall be sent to the state hygienic laboratory
1 13 at the state university at Iowa City or some other laboratory
1 14 approved by the department of public health. If a person to
1 15 be tested pursuant to this section refuses to submit to the
1 16 withdrawal of a bodily specimen, application may be made by
1 17 the director to the district court for an order compelling the
1 18 person to submit to the withdrawal and, if infected, to
1 19 available treatment. An order authorizing the withdrawal of a
1 20 specimen for testing may be issued only by a district judge or
1 21 district associate judge upon application by the director.
1 22 3. Failure to comply with an order issued pursuant to this
1 23 section may result in revocation of probation, parole, or work
1 24 release.
1 25 4. Personnel at an institution under the control of the
1 26 department of corrections or of a residential facility
1 27 operated by a judicial district department of correctional
1 28 services shall be notified if a person committed to any of
1 29 these institutions is found to have a contagious infectious
1 30 disease.
1 31 5. The district department in cooperation with the
1 32 department of corrections shall adopt policies and procedures
1 33 to prevent the transmittal of a contagious infectious disease
1 34 to other persons.

EXPLANATION

2 1 This bill relates to required testing for infectious
2 2 diseases of persons under supervision of judicial district
2 3 departments of correctional services.
2 4 The bill provides that a person under supervision of a
2 5 judicial district department of correctional services who
2 6 causes an exchange of bodily fluids with another person, shall
2 7 submit to the withdrawal of a bodily fluid for testing to
2 8 determine if the person is infected with a contagious
2 9 infectious disease.
2 10 The bill provides that if the person refuses to submit to
2 11 the withdrawal of bodily fluid, the director of the judicial
2 12 district department of correctional services may make an
2 13 application to the court for an order compelling the person to
2 14 submit to a withdrawal.
2 15 In addition, failure to comply with a court order issued
2 16 pursuant to the bill may result in the revocation of
2 17 probation, parole, or work release.
2 18 LSB 1219DP 83

