

# Senate Study Bill 1062

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

