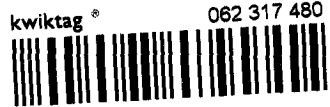


ENROLLMENT(S)



(5)

D.C. LAW 11-74

**"HIV Testing of Certain Criminal Offenders
Act of 1995".**

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P.L. 93-198 "the Act", the Council of the District of Columbia adopted Bill No. 11-166 on first and second readings, June 6, 1995 and June 20, 1995 respectively. Following the signature of the Mayor on July 6, 1995, pursuant to Section 404(e) of "the Act", and was assigned Act No. 11-89 and published in the July 14, 1995, edition of the D.C. Register (Vol. 42 page 3624) and transmitted to Congress on July 11, 1995 for a 60-day review, in accordance with Section 602(c)(2) of the Act.

The Council of the District of Columbia hereby gives notice that the 60-day Congressional Review Period has expired, and therefore, cites this enactment as D.C. Law 11-74, effective November 11, 1995.



DAVID A. CLARKE
Chairman of the Council

Dates Counted During the 60-day Congressional Review Period:

July	11,12,13,14,17,18,19,20,21,24,25,26,27,28,31
Aug.	1,2,3,4
Sept.	5,6,7,8,11,12,13,14,15,18,19,20,21,22,25,26,27,28,29
Oct.	10,11,12,13,17,18,19,20,23,24,25,26,27,30
Nov.	1,2,3,6,7,8,9,10

ENROLLED ORIGINAL

Codification
District of Columbia Code
(1996 Supplement)

AN ACT

D.C. ACT 11-89

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 6, 1995

New
Subchapter
VI,
Chapter 4,
Title 24

To require individuals convicted of a sexual offense, upon the request of the victim, to furnish a blood sample to be tested for the presence of the human immunodeficiency virus ("HIV"), to require the disclosure of the test results to the victim and the convicted individual, and to require the District to provide, at no cost to the victim or the convicted individual, counselling regarding the HIV disease, HIV testing, and referral for appropriate health care and supportive services.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "HIV Testing of Certain Criminal Offenders Act of 1995".

New Section
24-491

Sec. 2. Definitions.

For the purposes of this act, the term:

(1) "Convicted" means having received a verdict, or a finding, of guilt in a criminal proceeding, adjudicated as being delinquent in a juvenile proceeding, or having entered a plea of guilty or nolo contendere.

(2) "HIV test" means blood testing for the human immunodeficiency virus ("HIV") or any other identified causative agent of the acquired immune deficiency syndrome ("AIDS").

(3) "Mayor" means the Mayor of the District of Columbia, or his or her designee.

(4) "Offense" means any prohibited activity involving a sexual act that includes contact between the penis and the vulva or the penis and the anus, however slight, or contact between the mouth and the penis, the mouth and the vulva, or the mouth and the anus.

(5) "Victim" means a person injured by the commission of an offense, and includes the parent or legal guardian of a victim, if the victim is a minor, or the spouse or child of a victim, if the victim is deceased or incapacitated.

ENROLLED ORIGINAL

Sec. 3. Testing and counselling.

**New Section
24-492**

(a) Upon the request of a victim, the court shall order any individual convicted of an offense, as defined by section 2, to furnish a blood sample to be tested for the presence of HIV.

(b) The court shall promptly notify the Mayor of any court order for an HIV test. Upon receipt of a court order for an HIV test, the Mayor shall promptly collect a blood sample from the convicted individual and conduct an HIV test on the blood sample.

(c) After conducting the HIV test, the Mayor shall promptly notify the victim and the convicted individual of the results of the HIV test. The Mayor shall not disclose the results of the HIV test without also providing, offering, or arranging for, appropriate counselling and referral for appropriate health care and support services to the victim and the convicted individual.

(d) The victim may disclose the results of the HIV test to any other individual to protect the health and safety of the victim, the victim's sexual partners, or the victim's family.

(e) The result of any HIV test conducted under this section shall not be admissible as evidence of guilt or innocence in any criminal proceeding.

Sec. 4. Rules.

**New Section
24-493**

(a) The Mayor shall, pursuant to title 1 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Code §1-1501 *et seq.*), issue rules to implement this act.

(b) The rules shall include provisions regarding notification to the victim of his or her right to request an HIV test, confidentiality of the test results, free counselling for the victim and the convicted individual concerning HIV testing and HIV disease, and referral for appropriate health care and supportive services.

Sec. 5. Effective date.

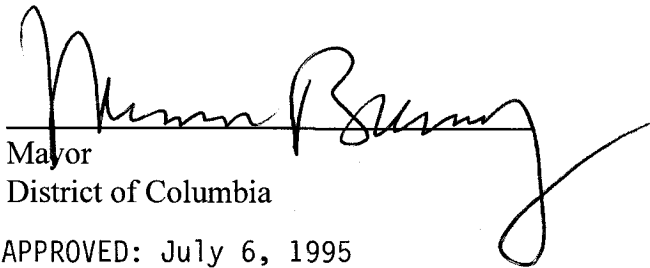
This act shall take effect after a 60-day period of Congressional review following approval by the Mayor (or in the event of veto by the Mayor, action by the Council of the District of Columbia to override the veto) as provided in section 602(c)(2) of the District of

ENROLLED ORIGINAL

Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-233(c)(2)), and publication in either the District of Columbia Register, the District of Columbia Statutes-at-Large, or the District of Columbia Municipal Regulations.



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED: July 6, 1995



COUNCIL OF THE DISTRICT OF COLUMBIA

COUNCIL PERIOD ELEVEN

RECORD OF OFFICIAL COUNCIL VOTE

B11-166

Docket No. _____

ITEM ON CONSENT CALENDAR

ACTION & DATE

ADOPTED FIRST READING, 06-06-95

VOICE VOTE
RECORDED VOTE ON REQUEST

APPROVED

ABSENT _____

RAY

ROLL CALL VOTE - Result _____

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Clarke					Jarvis					Smith, Jr.				
Brazil					Lightfoot					Thomas, Sr.				
Chavous					Mason					Whittington				
Cropp					Patterson									
Evans					Ray									

X - Indicates Vote

AB - Absent

NV - Present not Voting

CERTIFICATION RECORD

Phyllis [Signature]
Secretary to the Council

June 22, 1995
Date

ITEM ON CONSENT CALENDAR

ACTION & DATE

ADOPTED FINAL READING, 06-20-95

VOICE VOTE
RECORDED VOTE ON REQUEST

APPROVED, EVANS AND MASON VOTED NO

ABSENT _____

CHAIRMAN CLARKE

ROLL CALL VOTE - Result _____

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Clarke					Jarvis					Smith, Jr.				
Brazil					Lightfoot					Thomas, Sr.				
Chavous					Mason					Whittington				
Cropp					Patterson									
Evans					Ray									

X-indicates no

AB-Absent

NV-Present not voting

CERTIFICATION RECORD

Phyllis [Signature]
Secretary to the Council

June 22, 1995
Date

ITEM ON CONSENT CALENDAR

ACTION & DATE _____

VOICE VOTE
RECORDED VOTE ON REQUEST

ABSENT _____

ROLL CALL VOTE - Result _____

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Clarke					Jarvis					Smith, Jr.				
Brazil					Lightfoot					Thomas, Sr.				
Chavous					Mason					Whittington				
Cropp					Patterson									
Evans					Ray									

X - Indicates Vote

AB - Absent

NV - Present not Voting

CERTIFICATION RECORD

Secretary to the Council

Date