

TITLE 6: CRIMES AND CRIMINAL PROCEDURE
DIVISION 1: CRIMES AGAINST THE PERSON

§ 1312. HIV Tests for Certain Convicted Sex Offenders.

A person convicted of or otherwise sentenced, or a juvenile adjudicated, for violating 6 CMC §§ 1301, 1302, 1304, 1306 or 1311 shall be tested for the presence of the etiologic agent for acquired immune deficiency syndrome by the Department of Public Health and Environmental Services. The results of such test shall remain confidential and shall only be disclosed to the offender, the victim of the sexual abuse, and those Department of Public Health and Environmental Services employees who need access to this information to perform their jobs, unless permission for disclosure is provided by the offender. The Department of Public Health and Environmental Services shall provide to the victim counseling regarding the HIV disease, HIV testing, and the availability of health care and support services.

Source: PL 9-9, § 2.

Commission Comment: PL 9-9 took effect September 22, 1994. According to PL 9-9, § 1, “[t]he Legislature finds that victims of sexual abuse have the right to find out if they have been exposed to the AIDS virus by the offender.”

With respect to the references to the “Department of Public Health and Environmental Services” in this section, see Executive Order 94-3 (effective August 23, 1994), reorganizing the executive branch, changing agency names and official titles, and effecting other changes, set forth in the Commission comment to 1 CMC § 2001.