

SECOND REGULAR SESSION

# HOUSE BILL NO. 2366

## 95TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES ROORDA (Sponsor), MEADOWS, HARRIS, FALLERT, KOMO,  
FRAME AND CASEY (Co-sponsors).

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D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal section 566.135, RSMo, and to enact in lieu thereof one new section relating to testing of certain defendants for sexually transmitted diseases.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Section 566.135, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 566.135, to read as follows:

566.135. 1. [Pursuant to a motion filed by the prosecuting attorney or circuit attorney with notice given to the defense attorney and for good cause shown,] In any criminal case in which a defendant has been charged by the prosecuting attorney's office or circuit attorney's office with any offense under this chapter or pursuant to section 575.150, 567.020, 565.050, 565.060, 565.070, 565.072, 565.073, 565.074, 565.075, 565.081, 565.082, 565.083, 568.045, 568.050, or 568.060, RSMo, or paragraph (a), (b), or (c), of subdivision (2) of subsection 1 of section 191.677, RSMo, **the prosecuting or circuit attorney shall upon the request of the victim, with notice given to the defense attorney, or upon his or her own initiative, with notice given to the defense attorney and for good cause shown, file a motion for court-ordered testing of the defendant for HIV, hepatitis B, hepatitis C, syphilis, gonorrhea, and chlamydia and any follow-up testing determined to be medically necessary. If the court [may] finds that the victim requested the testing or that good cause is shown the court shall order that the defendant be conveyed to a state-, city-, or county-operated HIV clinic for testing for HIV, hepatitis B, hepatitis C, syphilis, gonorrhea, and chlamydia and that the testing occur within forty-eight hours of the date on which the defendant was charged. Pursuant to this same motion the court shall also order any follow-up testing that is requested and**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 **determined to be medically necessary.** The results of the defendant's HIV, hepatitis B,  
18 hepatitis C, syphilis, gonorrhea, and chlamydia tests **and the results of any follow-up testing**  
19 shall be released to the victim and his or her parent or legal guardian if the victim is a minor **as**  
20 **soon as practicable.** The results of the defendant's HIV, hepatitis B, hepatitis C, syphilis,  
21 gonorrhea, and chlamydia tests **and the results of any follow-up testing** shall also be released  
22 to the prosecuting attorney or circuit attorney and the defendant's attorney. The state's motion  
23 to obtain said testing **and follow-up testing**, the court's order of the same, and the test results  
24 **and follow-up test results** shall be sealed in the court file.

25       2. **All charges for such sexually transmitted disease testing and follow-up testing**  
26 **by the state-, city-, or county-operated HIV clinic shall be billed to and paid by the**  
27 **department of public safety out of appropriations made for that purpose.**

28       3. As used in this section, "HIV" means the human immunodeficiency virus that causes  
29 acquired immunodeficiency syndrome.

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