

Session 113 - (1999-2000)

S*0126 (Rat #0214, Act #0218 of 2000) General Bill, By Passailaigue and Elliott

Summary: Sex crimes, offenses; courts may allow testing of offender for certain communicable diseases; Medical, Solicitors

A BILL TO AMEND SECTION 16-3-740, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TESTING OF CERTAIN CONVICTED OFFENDERS FOR HEPATITIS B, SEXUALLY TRANSMITTED DISEASES, AND HUMAN IMMUNODIFICIENCY VIRUS (HIV), SO AS TO REQUIRE A SOLICITOR TO PETITION THE COURT FOR TESTING AFTER A PERSON HAS BEEN CHARGED WITH AN OFFENSE, IF REQUESTED BY THE VICTIM; TO ESTABLISH PROBABLE CAUSE THAT THE OFFENDER COMMITTED THE OFFENSE AND THAT BODY FLUIDS WERE TRANSMITTED AS THE CRITERIA FOR ISSUING THE ORDER; TO PROVIDE FOR THE DISCLOSURE OF THE TEST RESULTS TO LIMITED PERSONS, INCLUDING THE VICTIM, THE VICTIM'S ATTORNEY, AND THE OFFENDER'S ATTORNEY; TO REQUIRE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO PROVIDE COUNSELING TO THE OFFENDER IF THE RESULTS ARE POSITIVE AND TO THE VICTIM, IF REQUESTED; TO AUTHORIZE FOLLOW-UP TESTING IF REQUESTED BY THE VICTIM AND IF THE INITIAL RESULTS ARE NEGATIVE; TO REQUIRE THE OFFENDER TO REIMBURSE THE STATE FOR COSTS OF THE TESTS IF THE OFFENDER IS CONVICTED OF THE CRIME; TO AUTHORIZE THE COURT TO ORDER THE COLLECTION OF ADDITIONAL SAMPLES OF BLOOD, SALIVA, AND HAIR FOR SCIENTIFIC TESTING IF THERE IS A SHOWING OF PROBABLE CAUSE THAT THE OFFENDER COMMITTED A CRIME; TO AUTHORIZE THE USE OF THESE SCIENTIFIC TESTS RESULTS IN ANY CRIMINAL PROCEEDING BUT TO PROHIBIT THE USE OF THE HEPATITIS B AND HIV TEST RESULTS CONDUCTED PURSUANT TO THIS ACT IN ANY CRIMINAL TRIAL OF THE OFFENDER; AND TO PROVIDE IMMUNITY FOR CIVIL AND CRIMINAL LIABILITY; AND TO REPEAL SECTION 16-15-255 RELATING TO TESTING OF CONVICTED OFFENDERS FOR CERTAIN SEX-RELATED OFFENSES, HEPATITIS B, SEXUALLY TRANSMITTED DISEASES AND HIV.-AMENDED TITLE

11/18/98	Senate	Prefiled
11/18/98	Senate	Referred to Committee on Judiciary
01/12/99	Senate	Introduced and read first time SJ-51
01/12/99	Senate	Referred to Committee on Judiciary SJ-51
04/21/99	Senate	Committee report: Favorable with amendment Judiciary SJ-8
04/22/99	Senate	Amended SJ-40
04/22/99	Senate	Read second time SJ-40
04/27/99	Senate	Read third time and sent to House SJ-18
04/27/99	House	Introduced and read first time HJ-82
04/27/99	House	Referred to Committee on Judiciary HJ-82
05/26/99	House	Committee report: Favorable Judiciary HJ-6
06/01/99	House	Requests for debate-Rep(s). Knotts, Neal, F. Smith, Sharpe, McMahand, Davenport, Lee, Whatley, Clyburn, Witherspoon, Allen, Rutherford and Limehouse HJ-30
06/02/99	House	Requests for debate removed-Rep(s). Knotts HJ-94
06/03/99	House	Requests for debate removed-Rep(s). Clyburn and Witherspoon HJ-28
06/03/99	House	Requests for debate removed-Rep(s). Limehouse, Sharpe, Whatley and McMahand HJ-83
01/13/00	House	Read second time HJ-37
01/13/00	House	Roll call Yeas-89 Nays-1 HJ-39
01/18/00	House	Read third time and enrolled HJ-22
02/23/00		Ratified R 214
02/25/00		Signed By Governor
02/25/00		Effective date 02/25/00
03/13/00		Copies available
05/02/00		Act No. 218