

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