

Councilmember Marion Barry

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

Councilmember Marion Barry introduced the following bill, which was referred to the Committee on _____.

To amend the HIV Testing of Certain Criminal Offenders Act of 1995 to require the HIV testing of all inmates and committed youth offenders confined in the D.C. Jail, the Correctional Treatment Facility, or Oak Hill Youth Center.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA,
That this act may be cited as the "Mandatory HIV Testing and Educational Services for Inmates and Committed Youth Amendment Act of 2009."

Sec. 2. Section 3 of the HIV Testing of Certain Criminal Offenders Act of 1995, effective November 11, 1995 (D.C. Law 11-74, D.C. Official Code § 22-3902), is amended as follows:

“Section 3. Testing and Counselling

“(a) Upon the incarceration or commitment in D.C. Jail or the Correctional Treatment Facility of an individual convicted of a felony or misdemeanor or the commitment of an individual in the Oak Hill Youth Center, the Mayor shall promptly

1 collect a blood sample from the incarcerated or committed individual and conduct an
2 HIV test on the blood sample if the individual.

3 “(b) After conducting the HIV test, the Mayor shall promptly notify the convicted
4 individual and if the individual was convicted of an offense as defined by the HIV
5 Testing of Certain Criminal Offenders Emergency Act of 1995, the victim shall be
6 notified of the results of the HIV test. The Mayor shall not disclose the results of the HIV
7 test without also providing, offering, or arranging for appropriate counseling and referral
8 for appropriate health care and support services to the victim and the convicted individual
9 as provided in subsection (e) of this section.

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

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

15 “(e) The Mayor shall provide intensive HIV AIDS educational and case
16 management services for HIV positive incarcerated or committed individuals, which shall
17 include:

18 “(1) Educational sessions and lectures;

19 “(2) HIV case management;

20 “(3) Up-to-date HIV reading materials;

21 “(4) Condom distribution;

22 “(5) Dietary and nutritional counseling;

23 “(6) Social work services; and

1 “(7) Peer education.”.

2 Sec. 3. Fiscal impact statement.

3 The Council adopts the fiscal impact statement in the committee report as the
4 fiscal impact statement required by section 602(c)(3) of the District of Columbia Home
5 Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-
6 206.02(c)(3)).

7 Sec. 4. Effective date.

8 This act shall take effect following approval by the Mayor (or in the event of veto
9 by the Mayor, action by the Council to override the veto), a 30-day period of
10 Congressional review as provided in section 602(c)(1) of the District of Columbia Home
11 Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-
12 206.02(c)(1)), and publication in the District of Columbia Register.