

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 1336

H.P. 958

House of Representatives, April 25, 1989

Reference to the Committee on Judiciary suggested and ordered printed.

Ed Pert

EDWIN H. PERT, Clerk

Presented by Representative STROUT of Windham.

Cosponsored by Representative PENDLETON of Scarborough and Senator TITCOMB of Cumberland.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-NINE

**An Act to Require Persons Convicted of Certain Crimes to be Tested
for AIDS and the Results to be Released to the Victim.**



1 **Be it enacted by the People of the State of Maine as follows:**

3 **Sec. 1. 5 MRSA §19203, sub-§10,** as repealed and replaced by PL
5 1987, c. 811, §3, is repealed and the following enacted in its
place:

7 10. Court-ordered disclosure. Pursuant to a court-ordered
9 disclosure:

11 A. To a person authorized by section 19203-C to receive
test results following an accidental exposure; and

13 B. To a person authorized by section 19203-E to receive
15 test results.

17 **Sec. 2. 5 MRSA §19203-A, sub-§5** is enacted to read:

19 5. Convicted rapists. Consent need not be obtained from a
21 person convicted of rape or Class A gross sexual misconduct
provided that a court order has been obtained under section
19203-E.

23 **Sec. 3. 5 MRSA §19203-E** is enacted to read:

25 §19203-E. Judicial order of HIV test

27 In any case in which a person is found guilty of rape under
29 Title 17-A, section 252 or of Class A gross sexual misconduct
under Title 17-A, section 253, the victim of the rape or gross
31 sexual misconduct shall be informed of the right to request that
the person convicted be required to take an HIV test. Upon
33 request of the victim, the Superior Court shall, at the time of
sentencing, order the person convicted to take an HIV test. The
35 test results shall be provided to the victim.

37 **STATEMENT OF FACT**

39 This bill allows victims of the crimes of rape or forced
41 gross sexual misconduct to request that the person convicted be
required to take an HIV test. The test results shall be provided
to the victim.