

MAINE STATE LEGISLATURE

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STATE OF MAINE
SENATE
115TH LEGISLATURE
SECOND REGULAR SESSION

SENATE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H.P. 359, L.D. 513, Bill, "An Act Requiring the Provision of Information to Victims of Gross Sexual Assault"

Amend the amendment in section 1 in subsection 10 in paragraph B in the first line (page 1, line 30 in amendment) by striking out the following: "petitioner" and inserting in its place the following: 'victim-witness advocate' and in the 2nd line (page 1, line 31 in amendment) by inserting after the following: "assault" the following: 'who shall disclose to a petitioner under section 19203-E'

Further amend the amendment in section 3 in that part designated "§19203-E." in subsection 2 in the 5th line (page 2, line 23 in amendment) by striking out the following: "an HIV test" and inserting in its place the following: 'HIV Testing'

Further amend the amendment in section 3 in that part designated "§19203-E." in subsection 3 in paragraph C in the first line (page 3, line 4 in amendment) by striking out the following: "client" and inserting in its place the following: 'convicted offender'

Further amend the amendment in section 3 in that part designated "§19203-E." in subsection 4 in paragraph C in the 3rd and 4th lines (page 3, lines 20 and 21 in amendment) by striking out the following: "or the convicted offender's counsel"

Further amend the amendment in section 3 in that part designated "§19203-E." in subsection 4 in paragraph D in the 2nd line (page 3, line 25 in amendment) by striking out the following: "or the convicted offender's counsel"

Further amend the amendment in section 3 in that part designated "~~§19203-E.~~" in subsection 5 in the 2nd line (page 3, line 28 in amendment) by striking out the following: "an HIV test" and inserting in its place the following: 'HIV Testing'

Further amend the amendment in section 3 in that part designated "~~§19203-E.~~" in subsection 6 in the 2nd line (page 3, line 45 in amendment) by striking out the following: "an HIV test" and inserting in its place the following: 'HIV Testing'

Further amend the amendment in section 3 in that part designated "~~§19203-E.~~" in subsection 8 in the first line (page 4, line 6 in amendment) by striking out the following: "to bureau"

Further amend the amendment in section 3 in that part designated "~~§19203-E.~~" in subsection 8 (page 4, line 10 in amendment) by inserting after the first sentence a new sentence to read: 'The health care facility in which a convicted offender required to undergo an HIV test is tested shall disclose the results of the convicted offender's test to the victim-witness advocate who shall disclose the results to the petitioner. The convicted offender's HIV test results may not be disclosed to the petitioner until the petitioner has received counseling regarding the nature, reliability and significance of the convicted offender's HIV test and the confidential nature of the test. All counseling must be provided by a Department of Human Services certified HIV antibody counselor.'

Further amend the amendment by inserting after section 3 and before the fiscal note the following:

'Sec. 4. 5 MRSA §19204-A, first ¶, as repealed and replaced by PL 1987, c. 811, §8, is amended to read:

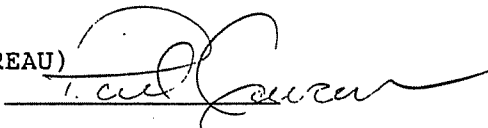
Except as otherwise provided by this chapter, persons who obtain an HIV test shall must be offered pretest and post-test counseling. Persons who are authorized by section 19203-C or ~~19203-E~~ to receive test results after ~~accidental~~ exposure shall must be offered counseling regarding the nature, reliability and significance of the HIV test and the confidential nature of the test.'

STATEMENT OF FACT

This amendment deletes references to the convicted offender's counsel and specifically provides for the release of

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2 the convicted offender's test results to the victim-witness
advocate who then discloses the results to the petitioner after
4 the petitioner has received counseling regarding the nature,
reliability and significance of the convicted offender's HIV test
6 result. It also requires the availability of counseling when the
victim receives the convicted offender's test results.

8
10 (Senator GAUVREAU)
12 SPONSORED BY: 

14 COUNTY: Androscoggin

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