

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 513

H.P. 359

House of Representatives, February 11, 1991

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative TOWNSEND of Eastport.
Cosponsored by Senator VOSE of Washington.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-ONE

**An Act Requiring the Provision of Information to Victims of Gross
Sexual Assault.**



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

4 Sec. 1. 5 MRSA §19203, sub-§10, as repealed and replaced by PL
6 1987, c. 811, §3, is repealed and the following enacted in its
8 place:

10 10. Court-ordered disclosure. Pursuant to a court-ordered
12 disclosure:

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

18 B. To a person authorized by section 19203-E to receive
20 test results.

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

24 5. Sexual assault convictions. Consent need not be
26 obtained from a person convicted of Class A gross sexual assault
28 as defined in Title 17-A, section 253, provided that a court
30 order has been obtained under section 19203-E.

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

34 §19203-E. Judicial order of HIV test

36 In any case in which a person is found guilty of Class A
38 gross sexual assault under Title 17-A, section 253, the court
40 shall inform the victim of the gross sexual assault of the right
42 to request that the person convicted be required to submit to an
44 HIV test. Upon request of the victim, the court shall, at the
46 time of sentencing, order the person convicted to submit to an
48 HIV test once every 6 months for the duration of the sentence.
The test results must be provided to the victim. The victim may
release the results only to the victim's physician and lawyer.

STATEMENT OF FACT

This bill allows a victim of the crime of gross sexual assault to request that the person convicted be required to submit to an HIV test. Because a person can be a carrier before the HIV test is positive, the person convicted would be tested every 6 months throughout the sentence. The test results must be provided to the victim. The victim can not release the results to anyone other than the victim's physician and lawyer. Current law prohibits the release of the information by the lawyer and physician, and by the victim to anyone else.