

MAINE STATE LEGISLATURE

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L.D. 1543

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
116TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1143, L.D. 1543, Bill, "An Act to Clarify the Laws Governing HIV Testing of Sexual Offenders"

Amend the bill by inserting after section 1 the following:

'Sec. 2. 5 MRSA §19203-E, sub-§9, as enacted by PL 1991, c. 803, §3, is amended to read:

9. **Subsequent testing.** Subsequent testing arising out of the same incident of exposure must be conducted in accordance with this section, except that the court is not required but has discretion to order subsequent testing under subsection 5 if the requirements of that subsection are met. Other testing of the convicted offender may not be required except as provided by this section.

FISCAL NOTE

The Department of Corrections will incur some minor additional costs to pay for certain HIV tests that are required by the court. These costs can be absorbed within the department's existing budgeted resources.

The additional costs to track these tests can be absorbed by the Department of Human Services utilizing existing budgeted resources.'

STATEMENT OF FACT

The purpose of this amendment is to make clear that although the court must order the initial test of a sex offender, any subsequent testing may be ordered in the court's discretion. Federal law requires the court to order the initial test for the State to qualify for specific Department of Justice grants; federal law is silent as to subsequent testing.

Reported by the Committee on Judiciary
Reproduced and distributed under the direction of the Clerk of the House

6/4/93

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COMMITTEE AMENDMENT