
SENATE BILL 5004

State of Washington 53rd Legislature 1993 Regular Session

By Senators Nelson, Winsley, Oke and McCaslin

Read first time 01/11/93. Referred to Committee on Law & Justice.

1 AN ACT Relating to sexually transmitted disease; amending RCW
2 9A.36.011, 9A.36.031, 9A.36.041, 9.94A.310, 70.24.105, and 70.24.340;
3 reenacting and amending RCW 9A.36.021; adding new sections to chapter
4 70.24 RCW; creating a new section; repealing RCW 70.24.140; and
5 prescribing penalties.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

7 **Sec. 1.** RCW 9A.36.011 and 1986 c 257 s 4 are each amended to read
8 as follows:

9 (1) A person is guilty of assault in the first degree if he or she,
10 with intent to inflict great bodily harm:

11 (a) Assaults another with a firearm or any deadly weapon or by any
12 force or means likely to produce great bodily harm or death; or

13 (b) Administers to or causes to be taken by another, poison or any
14 other destructive or noxious substance; or

15 (c) Assaults another and inflicts great bodily harm.

16 (2) A person is guilty of assault in the first degree if he or she,
17 with intent to inflict bodily harm to another, exposes, transmits,
18 administers, or causes to be taken, the human immunodeficiency virus as
19 defined in chapter 70.24 RCW.

1 (3) Assault in the first degree is a class A felony.

2 **Sec. 2.** RCW 9A.36.021 and 1988 c 266 s 2, 1988 c 206 s 916, and
3 1988 c 158 s 2 are each reenacted and amended to read as follows:

4 (1) A person is guilty of assault in the second degree if he or
5 she, under circumstances not amounting to assault in the first degree:

6 (a) Intentionally assaults another and thereby recklessly inflicts
7 substantial bodily harm; or

8 (b) Intentionally and unlawfully causes substantial bodily harm to
9 an unborn quick child by intentionally and unlawfully inflicting any
10 injury upon the mother of such child; or

11 (c) Assaults another with a deadly weapon; or

12 (d) With intent to inflict bodily harm, administers to or causes to
13 be taken by another, poison(~~(, the human immunodeficiency virus as~~
14 ~~defined in chapter 70.24 RCW,)) or any other destructive or noxious
15 substance; or~~

16 (e) (~~With intent to inflict bodily harm,~~) Knowingly exposes or
17 transmits the human immunodeficiency virus as defined in chapter 70.24
18 RCW, to another without previously informing him or her of the presence
19 of the virus; or

20 (f) With intent to commit a felony, assaults another; or

21 (g) Knowingly inflicts bodily harm which by design causes such pain
22 or agony as to be the equivalent of that produced by torture.

23 (2) Assault in the second degree is a class B felony.

24 **Sec. 3.** RCW 9A.36.031 and 1990 c 236 s 1 are each amended to read
25 as follows:

26 (1) A person is guilty of assault in the third degree if he or she,
27 under circumstances not amounting to assault in the first or second
28 degree:

29 (a) With intent to prevent or resist the execution of any lawful
30 process or mandate of any court officer or the lawful apprehension or
31 detention of himself or another person, assaults another; or

32 (b) Assaults a person employed as a transit operator or driver by
33 a public or private transit company while that person is operating or
34 is in control of a vehicle that is owned or operated by the transit
35 company and that is occupied by one or more passengers; or

36 (c) Assaults a school bus driver employed by a school district or
37 a private company under contract for transportation services with a

1 school district while the driver is operating or is in control of a
2 school bus that is occupied by one or more passengers; or

3 (d) With criminal negligence, causes bodily harm to another person
4 by means of a weapon or other instrument or thing likely to produce
5 bodily harm; or

6 (e) Assaults a fire fighter or other employee of a fire department
7 or fire protection district who was performing his or her official
8 duties at the time of the assault; or

9 (f) With criminal negligence, causes bodily harm accompanied by
10 substantial pain that extends for a period sufficient to cause
11 considerable suffering; or

12 (g) Assaults a law enforcement officer or other employee of a law
13 enforcement agency who was performing his or her official duties at the
14 time of the assault; or

15 (h) Knows that he or she has a sexually transmitted disease, as
16 defined in chapter 70.24 RCW, except the human immunodeficiency virus,
17 and transmits the disease to another without informing him or her of
18 the presence of the disease.

19 (2) Assault in the third degree is a class C felony.

20 **Sec. 4.** RCW 9A.36.041 and 1987 c 188 s 2 are each amended to read
21 as follows:

22 (1) A person is guilty of assault in the fourth degree if he or
23 she, under circumstances not amounting to assault in the first, second,
24 or third degree, or custodial assault(~~(, he or she)~~):

25 (a) Assaults another; or

26 (b) Knows that he or she has a sexually transmitted disease, as
27 defined in chapter 70.24 RCW, except the human immunodeficiency virus,
28 and exposes another person to the disease without informing him or her
29 of the presence of the disease.

30 (2) Assault in the fourth degree is a gross misdemeanor.

31 **Sec. 5.** RCW 9.94A.310 and 1992 c 145 s 9 are each amended to read
32 as follows:

1 (1)

TABLE 1

2

Sentencing Grid

3 SERIOUSNESS

4 SCORE

OFFENDER SCORE

5

6

	0	1	2	3	4	5	6	7	8	9 or more
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7

8 XV Life Sentence without Parole/Death Penalty

9

10	XIV	23y4m	24y4m	25y4m	26y4m	27y4m	28y4m	30y4m	32y10m	36y	40y
11		240-	250-	261-	271-	281-	291-	312-	338-	370-	411-
12		320	333	347	361	374	388	416	450	493	548

13

14	XIII	12y	13y	14y	15y	16y	17y	19y	21y	25y	29y
15		123-	134-	144-	154-	165-	175-	195-	216-	257-	298-
16		164	178	192	205	219	233	260	288	342	397

17

18	XII	9y	9y11m	10y9m	11y8m	12y6m	13y5m	15y9m	17y3m	20y3m	23y3m
19		93-	102-	111-	120-	129-	138-	162-	178-	209-	240-
20		123	136	147	160	171	184	216	236	277	318

21

22	XI	7y6m	8y4m	9y2m	9y11m	10y9m	11y7m	14y2m	15y5m	17y11m	20y5m
23		78-	86-	95-	102-	111-	120-	146-	159-	185-	210-
24		102	114	125	136	147	158	194	211	245	280

25

26	X	5y	5y6m	6y	6y6m	7y	7y6m	9y6m	10y6m	12y6m	14y6m
27		51-	57-	62-	67-	72-	77-	98-	108-	129-	149-
28		68	75	82	89	96	102	130	144	171	198

29

30	IX	3y	3y6m	4y	4y6m	5y	5y6m	7y6m	8y6m	10y6m	12y6m
31		31-	36-	41-	46-	51-	57-	77-	87-	108-	129-
32		41	48	54	61	68	75	102	116	144	171

33

34	VIII	2y	2y6m	3y	3y6m	4y	4y6m	6y6m	7y6m	8y6m	10y6m
35		21-	26-	31-	36-	41-	46-	67-	77-	87-	108-
36		27	34	41	48	54	61	89	102	116	144

37

1	VII	18m	2y	2y6m	3y	3y6m	4y	5y6m	6y6m	7y6m	8y6m
2		15-	21-	26-	31-	36-	41-	57-	67-	77-	87-
3		20	27	34	41	48	54	75	89	102	116
4											
5	VI	13m	18m	2y	2y6m	3y	3y6m	4y6m	5y6m	6y6m	7y6m
6		12+-	15-	21-	26-	31-	36-	46-	57-	67-	77-
7		14	20	27	34	41	48	61	75	89	102
8											
9	V	9m	13m	15m	18m	2y2m	3y2m	4y	5y	6y	7y
10		6-	12+-	13-	15-	22-	33-	41-	51-	62-	72-
11		12	14	17	20	29	43	54	68	82	96
12											
13	IV	6m	9m	13m	15m	18m	2y2m	3y2m	4y2m	5y2m	6y2m
14		3-	6-	12+-	13-	15-	22-	33-	43-	53-	63-
15		9	12	14	17	20	29	43	57	70	84
16											
17	III	2m	5m	8m	11m	14m	20m	2y2m	3y2m	4y2m	5y
18		1-	3-	4-	9-	12+-	17-	22-	33-	43-	51-
19		3	8	12	12	16	22	29	43	57	68
20											
21	II		4m	6m	8m	13m	16m	20m	2y2m	3y2m	4y2m
22		0-90	2-	3-	4-	12+-	14-	17-	22-	33-	43-
23		Days	6	9	12	14	18	22	29	43	57
24											
25	I			3m	4m	5m	8m	13m	16m	20m	2y2m
26		0-60	0-90	2-	2-	3-	4-	12+-	14-	17-	22-
27		Days	Days	5	6	8	12	14	18	22	29
28											

29 NOTE: Numbers in the first horizontal row of each seriousness category
30 represent sentencing midpoints in years(y) and months(m). Numbers in
31 the second and third rows represent presumptive sentencing ranges in
32 months, or in days if so designated. 12+ equals one year and one day.

33 (2) For persons convicted of the anticipatory offenses of criminal
34 attempt, solicitation, or conspiracy under chapter 9A.28 RCW, the
35 presumptive sentence is determined by locating the sentencing grid
36 sentence range defined by the appropriate offender score and the
37 seriousness level of the completed crime, and multiplying the range by
38 75 percent.

1 (3) The following additional times shall be added to the
2 presumptive sentence if the offender or an accomplice was armed with a
3 deadly weapon as defined in this chapter and the offender is being
4 sentenced for one of the crimes listed in this subsection. If the
5 offender or an accomplice was armed with a deadly weapon and the
6 offender is being sentenced for an anticipatory offense under chapter
7 9A.28 RCW to commit one of the crimes listed in this subsection, the
8 following times shall be added to the presumptive range determined
9 under subsection (2) of this section:

10 (a) 24 months for Rape 1 (RCW 9A.44.040), Robbery 1 (RCW 9A.56.-
11 200), or Kidnapping 1 (RCW 9A.40.020)

12 (b) 18 months for Burglary 1 (RCW 9A.52.020)

13 (c) 12 months for Assault 2 (RCW 9A.36.020 or 9A.36.021), Assault
14 of a Child 2 (RCW 9A.36.130), Escape 1 (RCW 9A.76.110), Kidnapping 2
15 (RCW 9A.40.030), Burglary 2 of a building other than a dwelling (RCW
16 9A.52.030), Theft of Livestock 1 or 2 (RCW 9A.56.080), or any drug
17 offense.

18 (4) The following additional times shall be added to the
19 presumptive sentence if the offender or an accomplice committed the
20 offense while in a county jail or state correctional facility as that
21 term is defined in this chapter and the offender is being sentenced for
22 one of the crimes listed in this subsection. If the offender or an
23 accomplice committed one of the crimes listed in this subsection while
24 in a county jail or state correctional facility as that term is defined
25 in this chapter, and the offender is being sentenced for an anticipa-
26 tory offense under chapter 9A.28 RCW to commit one of the crimes listed
27 in this subsection, the following times shall be added to the
28 presumptive sentence range determined under subsection (2) of this
29 section:

30 (a) Eighteen months for offenses committed under RCW 69.50.401(a)-
31 (1)(i) or 69.50.410;

32 (b) Fifteen months for offenses committed under RCW
33 69.50.401(a)(1)(ii), (iii), and (iv);

34 (c) Twelve months for offenses committed under RCW 69.50.401(d).

35 For the purposes of this subsection, all of the real property of
36 a state correctional facility or county jail shall be deemed to be part
37 of that facility or county jail.

1 (5) An additional twenty-four months shall be added to the
2 presumptive sentence for any ranked offense involving a violation of
3 chapter 69.50 RCW if the offense was also a violation of RCW 69.50.435.

4 (6) An additional forty-eight months shall be added to the
5 presumptive sentence for any criminal offense where the victim was
6 substantially exposed to the bodily fluids of the offender, the
7 exposure presents a possible risk of infection, and the offender has,
8 prior to the offense, tested positive for the human immunodeficiency
9 virus as defined in chapter 70.24 RCW. The court shall use the board
10 of health's definitions of "substantial exposure" and "exposure
11 presenting possible risk," as adopted by rule.

12 **Sec. 6.** RCW 70.24.105 and 1989 c 123 s 1 are each amended to read
13 as follows:

14 (1) No person may disclose or be compelled to disclose the
15 identity of any person who has investigated, considered, or requested
16 a test or treatment for a sexually transmitted disease, except as
17 authorized by this chapter.

18 (2) No person may disclose or be compelled to disclose the
19 identity of any person upon whom an HIV antibody test is performed, or
20 the results of such a test, nor may the result of a test for any other
21 sexually transmitted disease when it is positive be disclosed. This
22 protection against disclosure of test subject, diagnosis, or treatment
23 also applies to any information relating to diagnosis of or treatment
24 for HIV infection and for any other confirmed sexually transmitted
25 disease. The following persons, however, may receive such information:

26 (a) The subject of the test or the subject's legal representative
27 for health care decisions in accordance with RCW 7.70.065, with the
28 exception of such a representative of a minor child over fourteen years
29 of age and otherwise competent;

30 (b) Any person who secures a specific release of test results or
31 information relating to HIV or confirmed diagnosis of or treatment for
32 any other sexually transmitted disease executed by the subject or the
33 subject's legal representative for health care decisions in accordance
34 with RCW 7.70.065, with the exception of such a representative of a
35 minor child over fourteen years of age and otherwise competent;

36 (c) The state public health officer, a local public health
37 officer, or the centers for disease control of the United States public

1 health service in accordance with reporting requirements for a
2 diagnosed case of a sexually transmitted disease;

3 (d) A health facility or health care provider that procures,
4 processes, distributes, or uses: (i) A human body part, tissue, or
5 blood from a deceased person with respect to medical information
6 regarding that person; (ii) semen, including that provided prior to
7 March 23, 1988, for the purpose of artificial insemination; or (iii)
8 blood specimens;

9 (e) Any state or local public health officer conducting an
10 investigation pursuant to RCW 70.24.024, provided that such record was
11 obtained by means of court ordered HIV testing pursuant to RCW
12 70.24.340 or 70.24.024;

13 (f) A person allowed access to the record by a court order granted
14 after application showing good cause therefor. In assessing good
15 cause, the court shall weigh the public interest and the need for
16 disclosure against the injury to the patient, to the physician-patient
17 relationship, and to the treatment services. Upon the granting of the
18 order, the court, in determining the extent to which any disclosure of
19 all or any part of the record of any such test is necessary, shall
20 impose appropriate safeguards against unauthorized disclosure. An
21 order authorizing disclosure shall: (i) Limit disclosure to those
22 parts of the patient's record deemed essential to fulfill the objective
23 for which the order was granted; (ii) limit disclosure to those persons
24 whose need for information is the basis for the order; and (iii)
25 include any other appropriate measures to keep disclosure to a minimum
26 for the protection of the patient, the physician-patient relationship,
27 and the treatment services, including but not limited to the written
28 statement set forth in subsection (5) of this section;

29 (g) Persons who, because of their behavioral interaction with the
30 infected individual, have been placed at risk for acquisition of a
31 sexually transmitted disease, as provided in RCW 70.24.022, if the
32 health officer or authorized representative believes that the exposed
33 person was unaware that a risk of disease exposure existed and that the
34 disclosure of the identity of the infected person is necessary;

35 (h) A law enforcement officer, fire fighter, health care provider,
36 health care facility staff person, or other persons as defined by the
37 board in rule pursuant to RCW 70.24.340(4), who has requested a test of
38 a person whose bodily fluids he or she has been substantially exposed

1 to, pursuant to RCW 70.24.340(4), if a state or local public health
2 officer performs the test;

3 (i) Claims management personnel employed by or associated with an
4 insurer, health care service contractor, health maintenance
5 organization, self-funded health plan, state-administered health care
6 claims payer, or any other payer of health care claims where such
7 disclosure is to be used solely for the prompt and accurate evaluation
8 and payment of medical or related claims. Information released under
9 this subsection shall be confidential and shall not be released or
10 available to persons who are not involved in handling or determining
11 medical claims payment; (~~and~~)

12 (j) A department of social and health services worker, a child
13 placing agency worker, or a guardian ad litem who is responsible for
14 making or reviewing placement or case-planning decisions or
15 recommendations to the court regarding a child, who is less than
16 fourteen years of age, has a sexually transmitted disease, and is in
17 the custody of the department of social and health services or a
18 licensed child placing agency; this information may also be received by
19 a person responsible for providing residential care for such a child
20 when the department of social and health services or a licensed child
21 placing agency determines that it is necessary for the provision of
22 child care services; and

23 (k) A person named as a victim of any criminal offense, or that
24 person's legal representative for health care decisions in accordance
25 with RCW 7.70.065, where the victim was substantially exposed to the
26 bodily fluids of the accused, as defined by the board by rule, and
27 testing was conducted pursuant to RCW 70.24.340 or section 9 of this
28 act.

29 (3) No person to whom the results of a test for a sexually
30 transmitted disease have been disclosed pursuant to subsection (2) of
31 this section may disclose the test results to another person except as
32 authorized by that subsection.

33 (4) The release of sexually transmitted disease information
34 regarding an offender, except as provided in subsection (2)(e) of this
35 section, shall be governed as follows:

36 (a) The sexually transmitted disease status of a department of
37 corrections offender shall be made available by department of
38 corrections health care providers to a department of corrections
39 superintendent or administrator as necessary for disease prevention or

1 control and for protection of the safety and security of the staff,
2 offenders, and the public. The information may be submitted to
3 transporting officers and receiving facilities, including facilities
4 that are not under the department of correction's jurisdiction.

5 (b) The sexually transmitted disease status of a person detained
6 in a jail shall be made available by the local public health officer to
7 a jail administrator as necessary for disease prevention or control and
8 for protection of the safety and security of the staff, offenders, and
9 the public. The information may be submitted to transporting officers
10 and receiving facilities.

11 (c) Information regarding a department of corrections offender's
12 sexually transmitted disease status is confidential and may be
13 disclosed by a correctional superintendent or administrator or local
14 jail administrator only as necessary for disease prevention or control
15 and for protection of the safety and security of the staff, offenders,
16 and the public. Unauthorized disclosure of this information to any
17 person may result in disciplinary action, in addition to any other
18 penalties as may be prescribed by law.

19 (5) Whenever disclosure is made pursuant to this section, except
20 for subsections (2)(a) and (6) of this section, it shall be accompanied
21 by a statement in writing which includes the following or substantially
22 similar language: "This information has been disclosed to you from
23 records whose confidentiality is protected by state law. State law
24 prohibits you from making any further disclosure of it without the
25 specific written consent of the person to whom it pertains, or as
26 otherwise permitted by state law. A general authorization for the
27 release of medical or other information is NOT sufficient for this
28 purpose." An oral disclosure shall be accompanied or followed by such
29 a notice within ten days.

30 (6) The requirements of this section shall not apply to the
31 customary methods utilized for the exchange of medical information
32 among health care providers in order to provide health care services to
33 the patient, nor shall they apply within health care facilities where
34 there is a need for access to confidential medical information to
35 fulfill professional duties.

36 **Sec. 7.** RCW 70.24.340 and 1988 c 206 s 703 are each amended to
37 read as follows:

1 (1) Local health departments authorized under this chapter shall
2 conduct or cause to be conducted pretest counseling, HIV testing, and
3 posttest counseling of all persons:

4 (a) Convicted of a (~~sexual offense under chapter 9A.44 RCW~~)
5 criminal offense, or equivalent juvenile offense, involving a victim
6 who was substantially exposed to the bodily fluids of the accused and
7 the exposure presents a possible risk of infection, as defined by the
8 board by rule;

9 (b) Convicted of prostitution (~~or offenses relating to~~
10 ~~prostitution under chapter 9A.88 RCW~~), under RCW 9A.88.030, or
11 patronizing a prostitute, under RCW 9A.88.110; or

12 (c) Convicted of drug offenses under chapter 69.50 RCW if the
13 court determines at the time of conviction that the related drug
14 offense is one associated with the use of hypodermic needles.

15 (2) Such testing shall be conducted as soon as possible after
16 sentencing and shall be so ordered by the sentencing judge.

17 (3) This section applies only to offenses committed after March
18 23, 1988.

19 (4) A law enforcement officer, fire fighter, health care provider,
20 health care facility staff person, or other categories of employment
21 determined by the board in rule to be at risk of substantial exposure
22 to HIV, who has experienced a substantial exposure to another person's
23 bodily fluids in the course of his or her employment, or any good
24 samaritan who experienced a substantial exposure and who qualifies for
25 immunity under RCW 4.24.300, may request a state or local public health
26 officer to order pretest counseling, HIV testing, and posttest
27 counseling for the person whose bodily fluids he or she has been
28 exposed to. The person who is subject to the order shall be given
29 written notice of the order promptly, personally, and confidentially,
30 stating the grounds and provisions of the order, including the factual
31 basis therefor. If the person who is subject to the order refuses to
32 comply, the state or local public health officer may petition the
33 superior court for a hearing. The standard of review for the order is
34 whether substantial exposure occurred and whether that exposure
35 presents a possible risk of transmission of the HIV virus as defined by
36 the board by rule. Upon conclusion of the hearing, the court shall
37 issue the appropriate order. The state or local public health officer
38 shall perform counseling and testing under this subsection if he or she

1 finds that the exposure was substantial and presents a possible risk as
2 defined by the board of health by rule.

3 NEW SECTION. **Sec. 8.** A new section is added to chapter 70.24 RCW
4 to read as follows:

5 The board of health shall by October 1, 1993, adopt rules that
6 specify a schedule for testing at sufficient intervals to detect the
7 HIV infection for persons requiring testing under RCW 70.24.340 and
8 section 9 of this act.

9 NEW SECTION. **Sec. 9.** A new section is added to chapter 70.24 RCW
10 to read as follows:

11 (1) The victim of a charged criminal offense, or that person's
12 legal representative for health care decisions in accordance with RCW
13 7.70.065, shall have the right to request that the accused submit to
14 certain tests, as defined by the board in rule, to determine if the
15 accused carries the HIV antibody.

16 (2) The prosecuting attorney in the county where the charge was
17 filed shall advise the victim, in writing, of the right to request
18 testing of the accused. To assist the victim in determining whether he
19 or she should make this request, the prosecutor shall refer the victim
20 to the local health officer or health care provider, who shall make
21 available prerequest counseling and testing. The counseling shall be
22 designed: (a) To assist the person in understanding the risk of
23 transmission of the HIV antibody based on the particular circumstances
24 of the crime, (b) to ensure the person understands both the benefits
25 and limitations of the current tests, and (c) to help the victim in
26 deciding whether to be tested and whether to request the testing of the
27 accused.

28 (3) Upon request of the victim, the prosecuting attorney shall
29 petition the court, as soon as possible, for an order mandating that
30 the accused be tested for the HIV antibody.

31 (4) The court shall order the accused to submit to testing by the
32 local public health officer if the court finds, by a preponderance of
33 the evidence, that during the course of the alleged criminal offense
34 the victim was substantially exposed to the bodily fluids of the
35 accused and the exposure presents a possible risk of infection. The
36 order shall require the accused to report to the local public health
37 department for testing if the person is not in custody or if the

1 accused is released from custody prior to testing. The court shall use
2 the board's definition of "substantial exposure" and "exposure
3 presenting possible risk," as adopted by rule.

4 (5) The court shall base its findings upon affidavits submitted by
5 the victim, accused, public health officer, prosecutor, or any other
6 witnesses. The affidavit of the public health officer shall set forth
7 the type of circumstances under which a victim may be substantially
8 exposed to the bodily fluids of another, presenting a possible risk of
9 transmission of the HIV antibody. The prosecutor may present the
10 petition and affidavits to the court and obtain the order without the
11 presence of the victim or the public health officer.

12 (6) Upon issuance of the order the prosecutor shall immediately
13 notify the public health officer of the order and of the location of
14 the accused if the accused is in custody. The public health officer
15 shall initiate the testing process as soon as possible, and shall
16 conduct testing at the intervals determined necessary by the board
17 under section 8 of this act. Testing shall not occur under this
18 section after the accused is acquitted or charges are dismissed.

19 (7) Any blood tested under this section shall be subjected to
20 appropriate confirmatory tests to ensure accuracy of the first test
21 results. Initially reactive test results shall not be released until
22 confirmed for positive reactors. When available, the public health
23 officer shall report the results to the victim and to the accused.
24 Positive test results shall not be disclosed without providing or
25 offering to provide professional counseling as appropriate to the
26 circumstances.

27 (8) The results of any blood tested pursuant to this section shall
28 not be used in any pending criminal proceeding as evidence of guilt or
29 innocence.

30 (9) A victim may also use the procedure provided in this section
31 to request the testing of a person convicted of a criminal offense
32 involving a substantial exposure to the bodily fluids of the accused
33 and the exposure presents a possible risk of infection to the victim,
34 as defined by the board by rule.

35 NEW SECTION. **Sec. 10.** RCW 70.24.140 and 1988 c 206 s 917 are
36 each repealed.

1 NEW SECTION. **Sec. 11.** If any provision of this act or its
2 application to any person or circumstance is held invalid, the
3 remainder of the act or the application of the provision to other
4 persons or circumstances is not affected.

5 NEW SECTION. **Sec. 12.** If specific funding for the purposes of
6 this act, referencing this act by bill number, is not provided by June
7 30, 1993, in the omnibus appropriations act, this act shall be null and
8 void.

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