
ENGROSSED HOUSE BILL 1099

State of Washington

54th Legislature

1995 Regular Session

By Representatives Scott, Appelwick, Padden, Campbell, Sherstad and Benton

Read first time 01/12/95. Referred to Committee on Law and Justice.

1 AN ACT Relating to human immunodeficiency virus testing for persons
2 arrested for prostitution and patronizing a prostitute; reenacting and
3 amending RCW 9A.36.021; adding a new section to chapter 70.24 RCW; and
4 prescribing penalties.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 70.24 RCW
7 to read as follows:

8 (1) A person who is arrested for a violation of RCW 9A.88.030 or
9 9A.88.110 shall submit to a test, approved by rule adopted by the state
10 board of health, to detect exposure to the human immunodeficiency
11 virus. The state board of health may not approve a test for use that
12 does not provide the arresting law enforcement agency with the results
13 of the test within thirty days after a person submits to the test. If
14 the person is convicted of a violation of RCW 9A.88.030 or 9A.88.110,
15 the person shall pay the sum of one hundred dollars for the cost of the
16 test.

17 (2) The person performing the test shall immediately transmit the
18 results of the test to the arresting law enforcement agency. If the
19 results of the test are negative, the agency shall inform the court of

1 that fact. If the results of the test are positive, the agency shall
2 upon receipt:

3 (a) Mail the results by certified mail, return receipt requested,
4 to the person arrested at the person's last known address and place the
5 returned receipt in the agency's file; or

6 (b) If the person arrested is in the custody of the agency,
7 personally deliver the results to the person and place an affidavit of
8 service in the agency's file. If before receiving the results under
9 this subsection, the person arrested requests the agency to inform the
10 person of the results and the agency has received those results, the
11 agency shall deliver the results to the person, whether positive or
12 negative, and place an affidavit of service in the agency's file.

13 (3) The court shall, when the person arrested is arraigned, order
14 the person to reappear before the court forty-five days after the
15 arraignment to determine whether the person has received the results of
16 the test. The court shall inform the person that the person's failure
17 to appear at the appointed time will result in the issuance of a bench
18 warrant, unless the order is rescinded under this subsection. If the
19 court is informed by the agency that the results of the person's test
20 were negative, the court clerk shall rescind the order for the person's
21 reappearance and so notify the person. If, upon receiving notice from
22 the agency that the results of the test were positive, the person
23 notifies the court clerk in writing that the person has received the
24 results, the clerk shall inform the court and rescind the order for the
25 person's reappearance for that determination.

26 (4) The court shall, upon the person's reappearance ordered under
27 subsection (3) of this section, ask the person whether the person has
28 received the results of the test. If the person answers that the
29 person has received them, the court shall note the person's answer in
30 the court records. If the person answers that the person has not
31 received them, the court shall have the results delivered to the person
32 and direct that an affidavit of service be placed in the agency's file.

33 (5) If the person does not reappear as ordered and has not notified
34 the court clerk of the person's receipt of the results of the test in
35 the manner set forth in subsection (3) of this section, the court shall
36 cause a bench warrant to be issued and that person arrested and brought
37 before the court as upon contempt. The court shall also proceed in the
38 manner set forth in subsection (4) of this section to ensure that the
39 person receives the results of the test.

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

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

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

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

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

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

15 (e) With intent to inflict bodily harm, exposes or transmits human
16 immunodeficiency virus as defined in chapter 70.24 RCW; or

17 (f) Violates RCW 9A.88.030 or 9A.88.110 after testing positive in
18 a test approved by the state board of health to detect exposure to the
19 human immunodeficiency virus and receiving notice of that fact; or

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

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

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

--- END ---