

SENATE BILL REPORT

SB 6092

AS REPORTED BY COMMITTEE ON LAW & JUSTICE, FEBRUARY 6, 1992

**Brief Description:** Requiring HIV testing of certain juveniles.

**SPONSORS:** Senator Talmadge

**SENATE COMMITTEE ON LAW & JUSTICE**

**Majority Report:** That Substitute Senate Bill No. 6092 be substituted therefor, and the substitute bill do pass.

Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Hayner, Newhouse, and Rasmussen.

**Staff:** Jack Brummel (786-7428)

**Hearing Dates:** February 3, 1992; February 6, 1992

**BACKGROUND:**

In 1988 the Legislature provided for mandatory HIV testing and counseling for persons convicted of certain sexual or drug-related offenses. The Attorney General issued an opinion last year which states that the testing and counseling requirements do not apply to juveniles adjudged to have committed sexual or drug-related offenses pursuant to the Juvenile Justice Act because adjudications in juvenile court are not equivalent to convictions.

**SUMMARY:**

Local health departments are to conduct HIV tests and counseling of all persons convicted, adjudicated in juvenile court, or referred by prosecutions prior to diversion for sexual offenses, prostitution related offenses, or drug offenses associated with the use of hypodermic needles.

Juveniles who have been arrested for sexual offenses, prostitution related offenses or drug offenses associated with the use of hypodermic needles may have their case diverted from trial only after referral to local health departments for HIV testing.

**EFFECT OF PROPOSED SUBSTITUTE:**

Technical corrections are made.

**Appropriation:** none

**Revenue:** none

**Fiscal Note:** requested January 28, 1992

**TESTIMONY FOR:**

Primary benefit of the bill would be providing counseling for individuals at risk of contracting HIV. The bill would be improved if testing were restricted to instances where crimes actually involve the exchange of bodily fluids.

**TESTIMONY AGAINST:**

Requiring testing will not help juveniles or their victims; this will not prevent the spread of HIV.

**TESTIFIED:** Dr. Anne Marie Kimball, Department of Health; Elizabeth Calvin, Seattle-King County Public Defender Association (con); Liz Smith, NW AIDS Foundation (con); Karen Frazier, Youth Care (con); Susie Tracy, Washington State Medical Association (pro)