S T A T E O F N E W Y O R K

5128

2013-2014 Regular Sessions

I N S E N A T E

May 10, 2013

Introduced by Sen. GOLDEN -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the criminal procedure law, in relation to permitting medical examinations of certain persons arrested for criminal offenses

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The criminal procedure law is amended by adding a new section 160.47 to read as follows:

S 160.47 MEDICAL EXAMINATIONS OF CERTAIN PERSONS ARRESTED FOR CRIMINAL OFFENSES.

1. WHENEVER A PUBLIC PROTECTION OFFICIAL HAS BEEN EXPOSED TO BODILY FLUIDS THROUGH CONTACT WITH AN ARRESTED PERSON WHILE PERFORMING HIS OR HER OFFICIAL DUTIES, A LOCAL CRIMINAL COURT SHALL, AT THE REQUEST OF SUCH PUBLIC PROTECTION OFFICIAL, ORDER AN APPROPRIATE MEDICAL EXAMINATION OR TESTING OF SUCH ARRESTED PERSON TO DETERMINE IF SUCH OFFICIAL HAS BEEN EXPOSED TO HUMAN IMMUNODEFICIENCY VIRUS (HIV) OR HEPATITIS, IF THE COURT DETERMINES THAT THERE IS PROBABLY CAUSE TO BELIEVE THAT ARRESTED PERSON COMMITTED A CRIME AND THAT EXPOSURE OF THE PUBLIC PROTECTION OFFICIAL OCCURRED. IF THE MEDICAL EXAMINATION OR TESTING OF THE ARRESTED PERSON INDICATES THAT HE OR SHE IS INFECTED WITH HUMAN IMMUNODEFICIENCY VIRUS (HIV) OR HEPATITIS, SUCH TEST RESULTS SHALL NOT BE DISCLOSED TO THE COURT OR TO ANY OTHER INDIVIDUAL, BUT SHALL BE MADE AVAILABLE TO THE PUBLIC PROTECTION OFFICIAL.

2. FOR THE PURPOSES OF THIS SECTION, A PUBLIC PROTECTION OFFICIAL SHALL MEAN AND INCLUDE ANY STATE, COUNTY OR MUNICIPAL POLICE OFFICER, PEACE OFFICER, FIREFIGHTER, EMERGENCY MEDICAL TECHNICIAN, CORRECTIONS OFFICER, OR SHERIFF WHO IS ACTING UNDER THE SCOPE OF AUTHORITY OF HIS OR HER OFFICIAL POSITION.

S 2. This act shall take effect immediately.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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