

# Union Calendar No. 372

105<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 2070

[Report No. 105-665]

To amend title 18, United States Code, to provide for the mandatory testing for serious transmissible diseases of incarcerated persons whose bodily fluids come into contact with corrections personnel and notice to those personnel of the results of the tests, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 25, 1997

Mr. SOLOMON (for himself and Mr. CONDIT) introduced the following bill;  
which was referred to the Committee on the Judiciary

JULY 31, 1998

Additional sponsors: Mrs. KELLY, Mr. MCHUGH, Mr. STRICKLAND, Mr. COBURN, Mr. RIGGS, Mrs. TAUSCHER, Mr. WEYGAND, Mr. SHERMAN, Mr. WALSH, Mr. FRANK of Massachusetts, Mr. CALVERT, Mr. ENGLISH of Pennsylvania, Mr. LOBIONDO, Mr. NEY, Mr. BATEMAN, Mr. GOODLATTE, Mr. PETERSON of Pennsylvania, Mr. LUCAS of Oklahoma, Mr. McNULTY, and Mr. SKEEN

JULY 31, 1998

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

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## A BILL

To amend title 18, United States Code, to provide for the mandatory testing for serious transmissible diseases of incarcerated persons whose bodily fluids come into con-

tact with corrections personnel and notice to those personnel of the results of the tests, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Correction Officers  
5 Health and Safety Act of 1997”.

6 **SEC. 2. TESTING FOR TRANSMISSIBLE DISEASE OF CER-**  
7 **TAIN INCARCERATED PERSONS.**

8       (a) **IN GENERAL.**—Chapter 301 of title 18, United  
9 States Code, is amended by adding at the end the follow-  
10 ing:

11 **“§ 4014. Testing for transmissible disease**

12       “(a) If the bodily fluids, of a person who is incarcer-  
13 ated in a Federal correctional facility, that are capable of  
14 causing a serious transmissible disease come into contact  
15 with any officer or employee of the United States or any  
16 other person not so incarcerated, the Attorney General  
17 shall, under such rules as the Attorney General makes to  
18 carry out this section, cause the incarcerated person to  
19 be tested for those diseases and promptly communicate in  
20 writing the results of the tests to the person with whom  
21 such fluids came into contact. If any such tests indicate  
22 that such a disease might have been transmitted, the At-  
23 torney General shall make appropriate referrals for coun-  
24 seling and health care and support services.

1       “(b) As used in this section, the term ‘serious trans-  
2       missible disease’ means the human immunodeficiency  
3       virus (HIV) or any of its derivatives, hepatitis and any  
4       of its derivatives, tuberculosis, and any other serious ill-  
5       ness which an exposed person might reasonably expect to  
6       contract from the contact.”.

7       (b) CLERICAL AMENDMENT.—The table of sections  
8       at the beginning of chapter 301 of title 18, United States  
9       Code, is amended by adding at the end the following:

      “4014. Testing for transmissible disease.”.

10       (c) Not later than one year after the date of the en-  
11       actment of this section, the Attorney General, in consulta-  
12       tion with the Corrections and Criminal Justice Coalition,  
13       shall make voluntary national guidelines for testing for se-  
14       rious transmissible diseases of incarcerated persons whose  
15       bodily fluids come into contact with corrections personnel  
16       or other persons and for the provision of notice to persons  
17       with whom those bodily fluids came into contact of the  
18       results of such tests.

19       **SECTION 1. SHORT TITLE.**

20       *This Act may be cited as the “Correction Officers*  
21       *Health and Safety Act of 1998”.*

22       **SEC. 2. TESTING FOR HUMAN IMMUNODEFICIENCY VIRUS.**

23       (a) *IN GENERAL.*—Chapter 301 of title 18, United  
24       *States Code, is amended by adding at the end the following:*

1 **“§ 4014. Testing for human immunodeficiency virus**

2       “(a) *The Attorney General shall cause each individual*  
3 *convicted of a Federal offense who is sentenced to incarcer-*  
4 *ation for a period of 6 months or more to be tested for the*  
5 *presence of the human immunodeficiency virus not earlier*  
6 *than 3 nor later than 4 months after the commencement*  
7 *of that incarceration.*

8       “(b) *If the Attorney General has a well founded reason*  
9 *to believe that a person sentenced to a term of imprisonment*  
10 *for a Federal offense, or ordered detained before trial under*  
11 *section 3142(e), may have intentionally or unintentionally*  
12 *transmitted the human immunodeficiency virus to any offi-*  
13 *cer or employee of the United States, or to any person law-*  
14 *fully present in a correctional facility who is not incarcer-*  
15 *ated there, the Attorney General shall, upon the request of*  
16 *the affected officer, employee, or other person, cause the per-*  
17 *son who may have transmitted the virus to be promptly*  
18 *tested for the presence of such virus and communicate the*  
19 *test results as soon as practicable to the person requesting*  
20 *that the test be performed and to the person tested, if person*  
21 *tested so requests.*

22       “(c) *If the results of the test indicate the presence of*  
23 *the virus, the Attorney General shall provide appropriate*  
24 *access for counselling, health care, and support services to*  
25 *the affected officer, employee, or other person, and the per-*  
26 *son tested.*

1       “(d) *The results of a test under this section are inad-*  
2 *missible against the person tested in any Federal or State*  
3 *civil or criminal case or proceeding.*

4       “(e) *Not later than one year after the date of enactment*  
5 *of this section, the Attorney General shall make rules to im-*  
6 *plement this section. Such rules shall require that the results*  
7 *of any test are communicated only to a person requesting*  
8 *the test, to the person tested, and, if the results of the test*  
9 *indicate the presence of the virus, to the chief administra-*  
10 *tive officer of the correctional facility in which the person*  
11 *tested is imprisoned or detained. Such rules shall also pro-*  
12 *vide for procedures designed to protect the privacy of a per-*  
13 *son requesting that the test be performed and the privacy*  
14 *of the person tested.”.*

15       (b) *CLERICAL AMENDMENT.*—*The table of sections at*  
16 *the beginning of chapter 301 of title 18, United States Code,*  
17 *is amended by adding at the end the following new item:*

*“4014. Testing for human immunodeficiency virus.”.*

18       (c) *GUIDELINES FOR STATES.*—*Not later than one*  
19 *year after the date of the enactment of this Act, the Attorney*  
20 *General, in consultation with the Secretary of Health and*  
21 *Human Services, shall provide to the several States pro-*  
22 *posed guidelines for the prevention, detection, and treat-*  
23 *ment of incarcerated persons and correctional employees*  
24 *who have, or may be exposed to, infectious diseases in cor-*  
25 *rectional institutions.*

Amend the title so as to read “A bill to amend title 18, United States Code, to provide for the testing of certain persons who are incarcerated or ordered detained before trial, for the presence of the human immunodeficiency virus, and for other purposes.”.



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