

Senate Engrossed

FILED

**JANICE K. BREWER
SECRETARY OF STATE**

State of Arizona
Senate
Forty-eighth Legislature
First Regular Session
2007

CHAPTER 33

SENATE BILL 1170

AN ACT

AMENDING SECTION 13-1210, ARIZONA REVISED STATUTES; RELATING TO ASSAULT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 13-1210, Arizona Revised Statutes, is amended to
3 read:

4 13-1210. Assaults on public safety employees and volunteers;
5 disease testing; petition; hearing; notice;
6 definitions

7 A. A ~~law enforcement officer, probation officer, surveillance officer,~~
8 ~~correctional service officer, detention officer, private prison security~~
9 ~~officer, fire fighter, emergency medical technician~~ PUBLIC SAFETY EMPLOYEE OR
10 VOLUNTEER or the employing agency, officer or entity may petition the court
11 for an order authorizing testing of another person for the human
12 immunodeficiency virus, common blood borne diseases or other diseases
13 specified in the petition if there are reasonable grounds to believe an
14 exposure occurred and either of the following applies:

15 1. The person is charged in any criminal complaint and the complaint
16 alleges that the person interfered with the official duties of the ~~law~~
17 ~~enforcement officer, probation officer, surveillance officer, correctional~~
18 ~~service officer, detention officer, private prison security officer, fire~~
19 ~~fighter or emergency medical technician~~ PUBLIC SAFETY EMPLOYEE OR VOLUNTEER
20 by biting, scratching, spitting or transferring blood or other bodily fluids
21 on or through the skin or membranes of the ~~law enforcement officer, probation~~
22 ~~officer, surveillance officer, correctional service officer, detention~~
23 ~~officer, private prison security officer, fire fighter or emergency medical~~
24 ~~technician~~ PUBLIC SAFETY EMPLOYEE OR VOLUNTEER.

25 2. There is probable cause to believe that the person interfered with
26 the official duties of the ~~law enforcement officer, probation officer,~~
27 ~~surveillance officer, correctional service officer, detention officer,~~
28 ~~private prison security officer, fire fighter or emergency medical technician~~
29 PUBLIC SAFETY EMPLOYEE OR VOLUNTEER by biting, scratching, spitting or
30 transferring blood or other bodily fluids on or through the skin or membranes
31 of the ~~law enforcement officer, probation officer, surveillance officer,~~
32 ~~correctional service officer, detention officer, private prison security~~
33 ~~officer, fire fighter or emergency medical technician~~ PUBLIC SAFETY EMPLOYEE
34 OR VOLUNTEER and that the person is deceased.

35 B. The court shall hear the petition promptly. If the court finds
36 that probable cause exists to believe that a possible transfer of blood or
37 other bodily fluids occurred between the person and the ~~law enforcement~~
38 ~~officer, probation officer, surveillance officer, correctional service~~
39 ~~officer, detention officer, private prison security officer, fire fighter or~~
40 ~~emergency medical technician~~ PUBLIC SAFETY EMPLOYEE OR VOLUNTEER, the court
41 shall order that either:

42 1. The person provide two specimens of blood for testing.

43 2. If the person is deceased, the medical examiner draw two specimens
44 of blood for testing.

1 C. Notwithstanding subsection B, paragraph 2 of this section, on
2 written notice from the agency, officer or entity employing the ~~law~~
3 ~~enforcement officer, probation officer, surveillance officer, correctional~~
4 ~~service officer, detention officer, private prison security officer, fire~~
5 ~~fighter or emergency medical technician~~ PUBLIC SAFETY EMPLOYEE OR VOLUNTEER,
6 the medical examiner is authorized to draw two specimens of blood for testing
7 during the autopsy or other examination of the deceased person's body. The
8 medical examiner shall release the specimen to the employing agency, officer
9 or entity for testing only after the court issues its order pursuant to
10 subsection B, paragraph 2 of this section. If the court does not issue an
11 order within thirty days after the medical examiner collects the specimen,
12 the medical examiner shall destroy the specimen.

13 D. Notice of the test results shall be provided as prescribed by the
14 department of health services to the person tested, to the ~~law enforcement~~
15 ~~officer, probation officer, surveillance officer, correctional service~~
16 ~~officer, detention officer, private prison security officer, fire fighter or~~
17 ~~emergency medical technician~~ PUBLIC SAFETY EMPLOYEE OR VOLUNTEER named in the
18 petition and to the ~~officer's, fire fighter's or emergency medical~~
19 ~~technician's~~ PUBLIC SAFETY EMPLOYEE'S OR VOLUNTEER'S employing agency,
20 officer or entity and, if the person tested is incarcerated or detained, to
21 the officer in charge and the chief medical officer of the facility in which
22 the person is incarcerated or detained.

23 E. Section 36-665 does not apply to this section.

24 F. For the purposes of this section: —

25 1. "Private prison security officer" means a security officer who is
26 employed by a private contractor that contracts with a governmental entity to
27 provide detention or incarceration facility services for offenders.

28 2. "PUBLIC SAFETY EMPLOYEE OR VOLUNTEER" MEANS A LAW ENFORCEMENT
29 OFFICER, ANY EMPLOYEE OR VOLUNTEER OF A STATE OR LOCAL LAW ENFORCEMENT
30 AGENCY, A PROBATION OFFICER, A SURVEILLANCE OFFICER, AN ADULT OR JUVENILE
31 CORRECTIONAL SERVICE OFFICER, A DETENTION OFFICER, A PRIVATE PRISON SECURITY
32 OFFICER, A FIREFIGHTER OR AN EMERGENCY MEDICAL TECHNICIAN.

APPROVED BY THE GOVERNOR APRIL 10, 2007.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 11, 2007.

Passed the House April 2, 2007,

by the following vote: 53 Ayes,

2 Nays, 5 Not Voting

Speaker of the House

Chief Clerk of the House

Passed the Senate February 13, 2007,

by the following vote: 26 Ayes,

3 Nays, 1 Not Voting

President of the Senate

Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

4th day of April, 2007

at 1:43 o'clock P. M.

Secretary to the Governor

Approved this 10 day of

April, 2007,

at 4:55 o'clock P. M.

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 11 day of April, 2007,

at 9:04 o'clock A. M.

Secretary of State

S.B. 1170