

House Engrossed

FILED

**JANICE K. BREWER
SECRETARY OF STATE**

State of Arizona
House of Representatives
Forty-eighth Legislature
Second Regular Session
2008

CHAPTER 203

HOUSE BILL 2036

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 or volunteers and
5 state hospital employees; disease testing; petition;
6 hearing; notice; definitions

7 A. A public safety employee or volunteer or the employing agency,
8 officer or entity may petition the court for an order authorizing testing of
9 another person for the human immunodeficiency virus, common blood borne
10 diseases or other diseases specified in the petition if there are reasonable
11 grounds to believe an exposure occurred and either of the following applies:

12 1. The person is charged in any criminal complaint and the complaint
13 alleges that the person interfered with the official duties of the public
14 safety employee or volunteer by biting, scratching, spitting or transferring
15 blood or other bodily fluids on or through the skin or membranes of the
16 public safety employee or volunteer.

17 2. There is probable cause to believe that the person interfered with
18 the official duties of the public safety employee or volunteer by biting,
19 scratching, spitting or transferring blood or other bodily fluids on or
20 through the skin or membranes of the public safety employee or volunteer and
21 that the person is deceased.

22 B. AN EMPLOYEE OF THE ARIZONA STATE HOSPITAL OR THE EMPLOYING AGENCY
23 MAY PETITION THE COURT FOR AN ORDER AUTHORIZING TESTING OF ANOTHER PERSON FOR
24 THE HUMAN IMMUNODEFICIENCY VIRUS, COMMON BLOOD BORNE DISEASES OR OTHER
25 DISEASES SPECIFIED IN THE PETITION IF THERE ARE REASONABLE GROUNDS TO BELIEVE
26 AN EXPOSURE OCCURRED AND THE PERSON IS A PATIENT WHO IS CONFINED TO THE
27 ARIZONA STATE HOSPITAL AND WHO IS ALLEGED TO HAVE INTERFERED WITH THE
28 OFFICIAL DUTIES OF THE ARIZONA STATE HOSPITAL EMPLOYEE BY BITING, SCRATCHING,
29 SPITTING OR TRANSFERRING BLOOD OR OTHER BODILY FLUIDS ON OR THROUGH THE SKIN
30 OR MEMBRANES OF THE ARIZONA STATE HOSPITAL EMPLOYEE.

31 ~~B-~~ C. The court shall hear the petition promptly. If the court finds
32 that probable cause exists to believe that a possible transfer of blood or
33 other bodily fluids occurred between the person and the public safety
34 employee or volunteer OR THE ARIZONA STATE HOSPITAL EMPLOYEE, the court shall
35 order that either:

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

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

39 ~~C-~~ D. Notwithstanding subsection ~~B-~~ C, paragraph 2 of this section,
40 on written notice from the agency, officer or entity employing the public
41 safety employee or volunteer, the medical examiner is authorized to draw two
42 specimens of blood for testing during the autopsy or other examination of the
43 deceased person's body. The medical examiner shall release the specimen to
44 the employing agency, officer or entity for testing only after the court
45 issues its order pursuant to subsection ~~B-~~ C, paragraph 2 of this section.

1 If the court does not issue an order within thirty days after the medical
2 examiner collects the specimen, the medical examiner shall destroy the
3 specimen.

4 ~~D~~ E. Notice of the test results shall be provided as prescribed by
5 the department of health services to the person tested, to the public safety
6 employee or volunteer OR THE ARIZONA STATE HOSPITAL EMPLOYEE named in the
7 petition and to the ~~public safety~~ employee's or volunteer's employing agency,
8 officer or entity and, if the person tested is incarcerated or detained, to
9 the officer in charge and the chief medical officer of the facility in which
10 the person is incarcerated or detained.

11 ~~E~~ F. Section 36-665 does not apply to this section.

12 ~~F~~ G. For the purposes of this section:

13 1. "ARIZONA STATE HOSPITAL" INCLUDES THE ARIZONA COMMUNITY PROTECTION
14 AND TREATMENT CENTER.

15 2. "ARIZONA STATE HOSPITAL EMPLOYEE" MEANS AN EMPLOYEE OF THE ARIZONA
16 STATE HOSPITAL WHO HAS DIRECT PATIENT CONTACT.

17 ~~I~~ 3. "Private prison security officer" means a security officer who
18 is employed by a private contractor that contracts with a governmental entity
19 to provide detention or incarceration facility services for offenders.

20 ~~Z~~ 4. "Public safety employee or volunteer" means a law enforcement
21 officer, any employee or volunteer of a state or local law enforcement
22 agency, a probation officer, a surveillance officer, an adult or juvenile
23 correctional service officer, a detention officer, a private prison security
24 officer, a firefighter or an emergency medical technician.

APPROVED BY THE GOVERNOR MAY 15, 2008.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 15, 2008.