

House Engrossed
FILED
KEN BENNETT
SECRETARY OF STATE

State of Arizona
House of Representatives
Fiftieth Legislature
Second Regular Session
2012

CHAPTER 25

HOUSE BILL 2130

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~~ ANY of the following
12 applies:

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

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

23 3. THERE IS PROBABLE CAUSE TO BELIEVE THAT THE PERSON BIT, SCRATCHED,
24 SPAT OR TRANSFERRED BLOOD OR OTHER BODILY FLUID ON OR THROUGH THE SKIN OR
25 MEMBRANES OF A PUBLIC SAFETY EMPLOYEE OR VOLUNTEER WHO WAS PERFORMING AN
26 OFFICIAL DUTY.

27 B. An employee of the Arizona state hospital or the employing agency
28 may petition the court for an order authorizing testing of another person for
29 the human immunodeficiency virus, common blood borne diseases or other
30 diseases specified in the petition if there are reasonable grounds to believe
31 an exposure occurred and the person is a patient who is confined to the
32 Arizona state hospital and who is alleged to have interfered with the
33 official duties of the Arizona state hospital employee by biting, scratching,
34 spitting or transferring blood or other bodily fluids on or through the skin
35 or membranes of the Arizona state hospital employee.

36 C. The court shall hear the petition promptly. If the court finds
37 that probable cause exists to believe that a possible transfer of blood or
38 other bodily fluids occurred between the person and the public safety
39 employee or volunteer or the Arizona state hospital employee, the court shall
40 order that either:

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

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

1 D. Notwithstanding subsection C, paragraph 2 of this section, on
2 written notice from the agency, officer or entity employing the public safety
3 employee or volunteer, the medical examiner is authorized to draw two
4 specimens of blood for testing during the autopsy or other examination of the
5 deceased person's body. The medical examiner shall release the specimen to
6 the employing agency, officer or entity for testing only after the court
7 issues its order pursuant to subsection C, paragraph 2 of this section. If
8 the court does not issue an order within thirty days after the medical
9 examiner collects the specimen, the medical examiner shall destroy the
10 specimen.

11 E. Notice of the test results shall be provided as prescribed by the
12 department of health services to the person tested, to the public safety
13 employee or volunteer or the Arizona state hospital employee named in the
14 petition and to the employee's or volunteer's employing agency, officer or
15 entity and, if the person tested is incarcerated or detained, to the officer
16 in charge and the chief medical officer of the facility in which the person
17 is incarcerated or detained.

18 F. Section 36-665 does not apply to this section.

19 G. For the purposes of this section:

20 1. "Arizona state hospital" includes the Arizona community protection
21 and treatment center.

22 2. "Arizona state hospital employee" means an employee of the Arizona
23 state hospital who has direct patient contact.

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

27 4. "Public safety employee or volunteer" means a law enforcement
28 officer, any employee or volunteer of a state or local law enforcement
29 agency, a probation officer, a surveillance officer, an adult or juvenile
30 correctional service officer, a detention officer, a private prison security
31 officer, a firefighter or an emergency medical technician.

APPROVED BY THE GOVERNOR MARCH 15, 2012.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 15, 2012.

Passed the House February 13, 2012

Passed the Senate March 12, 2012

by the following vote: 57 Ayes,

by the following vote: 28 Ayes,

0 Nays, 2 Not Voting
1 vacant

0 Nays, 2 Not Voting

[Signature]
Speaker of the House
Pro Tempore

[Signature]
President of the Senate

[Signature]
Chief Clerk of the House

[Signature]
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this
13th day of March, 2012

at 11:10 o'clock A M.

[Signature]
Secretary to the Governor

Approved this 15th day of

March, 2012.

at 4:07 o'clock P. M.

[Signature]
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State
this 15th day of March, 2012

at 5:41 o'clock P. M.

[Signature]
Secretary of State

H.B. 2130