

105TH CONGRESS
2D SESSION

H. R. 2070

IN THE SENATE OF THE UNITED STATES

AUGUST 31, 1998

Received; read twice and referred to the Committee on the Judiciary

AN ACT

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.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Correction Officers
3 Health and Safety Act of 1998”.

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

5 (a) IN GENERAL.—Chapter 301 of title 18, United
6 States Code, is amended by adding at the end the follow-
7 ing:

8 **“§ 4014. Testing for human immunodeficiency virus**

9 “(a) The Attorney General shall cause each individual
10 convicted of a Federal offense who is sentenced to incar-
11 ceration for a period of 6 months or more to be tested
12 for the presence of the human immunodeficiency virus not
13 earlier than 3 nor later than 4 months after the com-
14 mencement of that incarceration.

15 “(b) If the Attorney General has a well founded rea-
16 son to believe that a person sentenced to a term of impris-
17 onment for a Federal offense, or ordered detained before
18 trial under section 3142(e), may have intentionally or un-
19 intentionally transmitted the human immunodeficiency
20 virus to any officer or employee of the United States, or
21 to any person lawfully present in a correctional facility
22 who is not incarcerated there, the Attorney General shall,
23 upon the request of the affected officer, employee, or other
24 person, cause the person who may have transmitted the
25 virus to be promptly tested for the presence of such virus
26 and communicate the test results as soon as practicable

1 to the person requesting that the test be performed and
2 to the person tested, if person tested so requests.

3 “(c) If the results of the test indicate the presence
4 of the virus, the Attorney General shall provide appro-
5 priate access for counselling, health care, and support
6 services to the affected officer, employee, or other person,
7 and the person tested.

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

11 “(e) Not later than 1 year after the date of enactment
12 of this section, the Attorney General shall make rules to
13 implement this section. Such rules shall require that the
14 results of any test are communicated only to a person re-
15 questing the test, to the person tested, and, if the results
16 of the test indicate the presence of the virus, to the chief
17 administrative officer of the correctional facility in which
18 the person tested is imprisoned or detained. Such rules
19 shall also provide for procedures designed to protect the
20 privacy of a person requesting that the test be performed
21 and the privacy of the person tested.”.

22 (b) CLERICAL AMENDMENT.—The table of sections
23 at the beginning of chapter 301 of title 18, United States
24 Code, is amended by adding at the end the following new
25 item:

“4014. Testing for human immunodeficiency virus.”.

1 (c) GUIDELINES FOR STATES.—Not later than 1 year
2 after the date of the enactment of this Act, the Attorney
3 General, in consultation with the Secretary of Health and
4 Human Services, shall provide to the several States pro-
5 posed guidelines for the prevention, detection, and treat-
6 ment of incarcerated persons and correctional employees
7 who have, or may be exposed to, infectious diseases in cor-
8 rectional institutions.

 Passed the House of Representatives August 3,
1998.

Attest:

ROBIN H. CARLE,

Clerk.