HOUSE DOCKET, NO. 1405 FILED ON: 1/16/2013

HOUSE . . . . . No. 1972

The Commonwealth of Massachusetts

PRESENTED BY:

Colleen M. Garry

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act protecting victims of sexual assault.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Colleen M. Garry	*36th Middlesex*

HOUSE DOCKET, NO. 1405 FILED ON: 1/16/2013

HOUSE . . . . . No. 1972

By Miss Garry of Dracut, a petition (accompanied by bill, House, No. 1972) of Colleen M. Garry relative to testing persons convicted of sexual assault for the HIV virus. Public Health.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. *1485* OF 2011-2012.]

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act protecting victims of sexual assault.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Chapter 265 of the General Laws, is hereby amended by inserting after section 24C the following section:— Section 24D. (a) Within 14 days after conviction of any crime listed in section 13B, 13F, 13H, 22, 22A, 23, 24, or 24B of this Chapter, the person convicted shall submit to medical testing to determine the presence of Human Immune Deficiency Virus and the results of said testing shall be made available to the person tested and to the complaining witness of the crimes for which the conviction stands. (b) Said testing shall be conducted under the direction of the Superintendent, Warden or Sheriff of any institution in which the convicted person is held in custody, or under the direction of the Probation Department of the Court in which the conviction occurred, if the person convicted is not held in custody. (c) Notwithstanding any general or special law to the contrary, no person required to be tested under this Section may be eligible for parole, work release, education release, or transfer to any facility except a maximum or medium security facility, nor shall said person accrue any credits for deductions for early release from his sentence until such time said testing is completed. (d) Any person refusing to submit to testing under this section shall be returned to the Court of his conviction within seven days following such refusal, and shall show cause why said person shall not be held in contempt of said Court. At said hearing, the Court may, in its discretion, sentence said person for contempt, revoke and revise the person's sentence, or both. Such refusal shall also constitute sufficient grounds for a Court to find a person in violation of any period if probation.