

**Committee on Public Health
Bill Summary**

Bill No. H2429

Title: *An Act protecting victims of sexual assault*

Sponsor: Representative Colleen M. Garry

Committee: Public Health

Hearing Date: July 10, 2025

Similar Matters: None

Prior History: Re-file of H2179 of 23-24; Referred to Public Health;
Accompanied a study order.

Reporting Deadline; September 10, 2025

Current Law:

- **M.G.L. Chapter 111§70F** requires health care facilities, physicians and health care providers to receive verbal consent before testing a patient for HIV. Written, verbal consent must be obtained before disclosing the results or identifying the subject of an HIV test.
- **M.G.L. Chapter 265§13B** contains provisions regarding indecent assault and battery on children who are under the age of 14.
- **M.G.L. Chapter 265§13F** contains provisions regarding indecent assault and battery on persons who have intellectual disabilities.
- **M.G.L. Chapter 265§13H** contains provisions regarding indecent assault and battery on persons who are fourteen years or older.
- **M.G.L. Chapter 265§22** contains provisions regarding rape.
- **M.G.L. Chapter 265§§22A and 23** contain provisions regarding rape of children under 16 years.
- **M.G.L. Chapter 265§24** contains provisions regarding assault with intent to commit rape.
- **M.G.L. Chapter 265§24B** contains provisions regarding assault of children under 16 years with intent to commit rape.
- **211 CMR 36.05** A carrier which requires or requests that any individual submit to an HIV test shall notify that individual of a positive test result as expeditiously as possible, but in no event later than 45 days after the individual's blood sample is taken

Summary:

The bill mandates that individuals convicted of sexual assault crimes undergo HIV testing within 14 days of their conviction, with results shared with both the convicted person and the survivor. Additionally, it establishes conditions for parole and early release eligibility, making compliance with testing required and imposing penalties for refusal.

This bill inserts a new section, section 24D in M.G.L. Chapter 265.

Subsection (a) requires persons convicted of sexual assault crimes to submit to an HIV test within 14 days following their conviction. The test results would be made available to the person who was tested as well as the survivor of the sexual assault.

Subsection (b) The HIV test would be conducted either under the supervision of the institution where the convicted person is held or under the supervision of the associated Probation Department.

Subsection (c) Compliance would be a condition for parole eligibility, work release, education release, or transfer to any facility other than a medium or maximum security facility.

Subsection (d) Persons refusing to submit to testing would be ineligible to accrue credits for an early release until testing is completed, and such persons would be returned to the convicting Court within 7 days of the refusal. The Court would have the discretion to revoke or revise the person's sentence, sentence the person for contempt, or both. Furthermore, the Court would have sufficient grounds to find such a person in violation of their probation.