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LAW/RWH

P.L.2013, CHAPTER 140, *approved August 14, 2013*
Assembly, No. 3760

1 AN ACT concerning serological testing of certain defendants and
2 amending P.L.1993, c.364

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. Section 4 of P.L.1993, c.364 (C.26:43-2.3) to read as
8 follows:

9 4. a. In addition to any other disposition made pursuant to law,
10 a court shall order a person convicted of, indicted for or formally
11 charged with, or a juvenile charged with delinquency or adjudicated
12 delinquent for an act which if committed by an adult would
13 constitute, aggravated sexual assault or sexual assault as defined in
14 subsection a. or c. of N.J.S.2C:14-2 to submit to an approved
15 serological test for acquired immune deficiency syndrome (AIDS)
16 or infection with the human immunodeficiency virus (HIV) or any
17 other related virus identified as a probable causative agent of AIDS.
18 The court shall issue such an order only upon the request of the
19 victim and upon application of the prosecutor **【made at the time of**
20 **indictment, charge, conviction or adjudication of delinquency】**
21 immediately following the request. The person or juvenile shall be
22 ordered by the court to submit to such repeat or confirmatory tests
23 as may be medically necessary.

24 As used in this section, "formal charge" includes a proceeding by
25 accusation in the event that the defendant has waived the right to an
26 indictment.

27 b. A court order issued pursuant to subsection a. of this section
28 shall require testing to be performed as soon as practicable by the
29 Commissioner of the Department of Corrections pursuant to
30 authority granted to the commissioner by sections 6 and 10 of
31 P.L.1976, c.98 (C.30:1B-6 and 30:1B-10), by a provider of health
32 care, at a health facility licensed pursuant to section 12 of P.L.1971,
33 c.136 (C.26:2H-12) or the Juvenile Justice Commission established
34 pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170). If the
35 victim makes the request prior to or at the time of indictment, or
36 accusation if the defendant has waived the right to an indictment,
37 the court order shall require the testing be performed within 48
38 hours. The order shall also require that the results of the test be
39 reported to the offender and to the appropriate Office of Victim-
40 Witness Advocacy.

41 c. The Office of Victim-Witness Advocacy, established
42 pursuant to section 5 of P.L.1985, c.404 (C.52:4B-43), shall

EXPLANATION – Matter enclosed in bold-faced brackets **【thus】 in the above bill is
not enacted and is intended to be omitted in the law.**

Matter underlined thus is new matter.

1 reimburse the Department of Corrections, Department of Health or
2 the Juvenile Justice Commission for the direct costs incurred by
3 these departments for any tests ordered by a court pursuant to
4 subsection a. of this section. Reimbursement shall be made
5 following a request from the department.

6 d. In addition to any other disposition authorized, a court may
7 order an offender at the time of sentencing to reimburse the State
8 for the costs of the tests ordered by subsection a. of this section.

9 e. Upon receipt of the result of a test ordered pursuant to
10 subsection a. of this section, the Office of Victim-Witness
11 Advocacy shall provide the victim with appropriate counseling,
12 referral for counseling and if appropriate, referral for health care.
13 The office shall notify the victim or make appropriate arrangements
14 for the victim to be notified of the test result.

15 f. The result of a test ordered pursuant to subsection a. of this
16 section shall be confidential and employees of the Department of
17 Corrections, the Juvenile Justice Commission, the Office of Victim-
18 Witness Advocacy, a health care provider, health care facility or
19 counseling service shall not disclose the result of a test performed
20 pursuant to this section except as authorized herein or as otherwise
21 authorized by law or court order. The provisions of this section
22 shall not be deemed to prohibit disclosure of a test result to the
23 person tested.

24 g. Persons who perform tests ordered pursuant to subsection a.
25 of this section in accordance with accepted medical standards for
26 the performance of such tests shall be immune from civil and
27 criminal liability arising from their conduct.

28 h. This section shall not be construed to preclude or limit any
29 other testing for acquired immune deficiency syndrome (AIDS) or
30 infection with the human immunodeficiency virus (HIV) or any
31 other related virus identified as a probable causative agent of AIDS
32 which is otherwise permitted by statute, court rule or common law.
33 (cf: P.L.1995, c.280, s.22)

34
35 2. This act shall take effect immediately.

36
37
38 STATEMENT

39
40 This bill amends current law to provide that court ordered HIV
41 testing of certain defendants occur within 48 hours of the issuance
42 of the court order.

43 Under current law, at the time of a criminal charge being filed,
44 indictment or conviction, a victim of aggravated sexual assault or
45 sexual assault may request that the court order the defendant to
46 submit to HIV testing. The testing is to be done as soon as
47 practicable following the issuance of the order. This bill amends
48 the law to require that if the victim makes the request for testing

A3760

1 prior to or at the time of indictment, the court order will specify that
2 the testing is to take place within 48 hours.

3 This bill brings State law into compliance with federal
4 requirements for “The Grants to Encourage Arrest Policies and
5 Enforcement of Protection Orders Program” funding.

6

7

8

9

10 Requires that certain HIV testing be performed within 48 hours
11 of request by victim

ASSEMBLY, No. 3760

STATE OF NEW JERSEY 215th LEGISLATURE

INTRODUCED FEBRUARY 7, 2013

Sponsored by:

Assemblywoman SHEILA Y. OLIVER

District 34 (Essex and Passaic)

Assemblyman HERB CONAWAY, JR.

District 7 (Burlington)

Assemblyman TIMOTHY J. EUSTACE

District 38 (Bergen and Passaic)

Co-Sponsored by:

Assemblywoman Spencer, Senators Ruiz, Vitale and Beck

SYNOPSIS

Requires that certain HIV testing be performed within 48 hours of request by victim

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/28/2013)

1 AN ACT concerning serological testing of certain defendants and
2 amending P.L.1993, c.364

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. Section 4 of P.L.1993, c.364 (C.26:43-2.3) to read as
8 follows:

9 4. a. In addition to any other disposition made pursuant to law,
10 a court shall order a person convicted of, indicted for or formally
11 charged with, or a juvenile charged with delinquency or adjudicated
12 delinquent for an act which if committed by an adult would
13 constitute, aggravated sexual assault or sexual assault as defined in
14 subsection a. or c. of N.J.S.2C:14-2 to submit to an approved
15 serological test for acquired immune deficiency syndrome (AIDS)
16 or infection with the human immunodeficiency virus (HIV) or any
17 other related virus identified as a probable causative agent of AIDS.
18 The court shall issue such an order only upon the request of the
19 victim and upon application of the prosecutor **【made at the time of**
20 **indictment, charge, conviction or adjudication of delinquency】**
21 immediately following the request. The person or juvenile shall be
22 ordered by the court to submit to such repeat or confirmatory tests
23 as may be medically necessary.

24 As used in this section, "formal charge" includes a proceeding by
25 accusation in the event that the defendant has waived the right to an
26 indictment.

27 b. A court order issued pursuant to subsection a. of this section
28 shall require testing to be performed as soon as practicable by the
29 Commissioner of the Department of Corrections pursuant to
30 authority granted to the commissioner by sections 6 and 10 of
31 P.L.1976, c.98 (C.30:1B-6 and 30:1B-10), by a provider of health
32 care, at a health facility licensed pursuant to section 12 of P.L.1971,
33 c.136 (C.26:2H-12) or the Juvenile Justice Commission established
34 pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170). If the
35 victim makes the request prior to or at the time of indictment, or
36 accusation if the defendant has waived the right to an indictment,
37 the court order shall require the testing be performed within 48
38 hours. The order shall also require that the results of the test be
39 reported to the offender and to the appropriate Office of Victim-
40 Witness Advocacy.

41 c. The Office of Victim-Witness Advocacy, established
42 pursuant to section 5 of P.L.1985, c.404 (C.52:4B-43), shall
43 reimburse the Department of Corrections, Department of Health or
44 the Juvenile Justice Commission for the direct costs incurred by
45 these departments for any tests ordered by a court pursuant to

EXPLANATION – Matter enclosed in bold-faced brackets **【thus】 in the above bill is not enacted and is intended to be omitted in the law.**

Matter underlined thus is new matter.

1 subsection a. of this section. Reimbursement shall be made
2 following a request from the department.

3 d. In addition to any other disposition authorized, a court may
4 order an offender at the time of sentencing to reimburse the State
5 for the costs of the tests ordered by subsection a. of this section.

6 e. Upon receipt of the result of a test ordered pursuant to
7 subsection a. of this section, the Office of Victim-Witness
8 Advocacy shall provide the victim with appropriate counseling,
9 referral for counseling and if appropriate, referral for health care.
10 The office shall notify the victim or make appropriate arrangements
11 for the victim to be notified of the test result.

12 f. The result of a test ordered pursuant to subsection a. of this
13 section shall be confidential and employees of the Department of
14 Corrections, the Juvenile Justice Commission, the Office of Victim-
15 Witness Advocacy, a health care provider, health care facility or
16 counseling service shall not disclose the result of a test performed
17 pursuant to this section except as authorized herein or as otherwise
18 authorized by law or court order. The provisions of this section
19 shall not be deemed to prohibit disclosure of a test result to the
20 person tested.

21 g. Persons who perform tests ordered pursuant to subsection a.
22 of this section in accordance with accepted medical standards for
23 the performance of such tests shall be immune from civil and
24 criminal liability arising from their conduct.

25 h. This section shall not be construed to preclude or limit any
26 other testing for acquired immune deficiency syndrome (AIDS) or
27 infection with the human immunodeficiency virus (HIV) or any
28 other related virus identified as a probable causative agent of AIDS
29 which is otherwise permitted by statute, court rule or common law.

30 (cf: P.L.1995, c.280, s.22)

31

32 2. This act shall take effect immediately.

33

34

35

STATEMENT

36

37 This bill amends current law to provide that court ordered HIV
38 testing of certain defendants occur within 48 hours of the issuance
39 of the court order.

40 Under current law, at the time of a criminal charge being filed,
41 indictment or conviction, a victim of aggravated sexual assault or
42 sexual assault may request that the court order the defendant to
43 submit to HIV testing. The testing is to be done as soon as
44 practicable following the issuance of the order. This bill amends
45 the law to require that if the victim makes the request for testing
46 prior to or at the time of indictment, the court order will specify that
47 the testing is to take place within 48 hours.

A3760 OLIVER, CONAWAY

4

1 This bill brings State law into compliance with federal
2 requirements for “The Grants to Encourage Arrest Policies and
3 Enforcement of Protection Orders Program” funding.

SENATE HEALTH, HUMAN SERVICES AND SENIOR
CITIZENS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3760

STATE OF NEW JERSEY

DATED: MARCH 4, 2013

The Senate Health, Human Services and Senior Citizens Committee reports favorably Assembly Bill No. 3760.

As reported, this bill amends current law to provide that court ordered HIV testing of certain defendants occur within 48 hours of the issuance of the court order.

Under current law, at the time of a criminal charge being filed, indictment or conviction, a victim of aggravated sexual assault or sexual assault may request that the court order the defendant to submit to HIV testing. The testing is to be done as soon as practicable following the issuance of the order. This bill amends the law to require that if the victim makes the request for testing prior to or at the time of indictment, the court order will specify that the testing is to take place within 48 hours.

This bill brings State law into compliance with federal requirements for "Grants to Encourage Arrest Policies and Enforcement of Protection Orders Program" funding.

This bill is identical to Senate Bill No. 2597 (Ruiz), which the committee also reported favorably on this date.

LEGISLATIVE FISCAL ESTIMATE
ASSEMBLY, No. 3760
STATE OF NEW JERSEY
215th LEGISLATURE

DATED: MARCH 15, 2013

SUMMARY

Synopsis: Requires that certain HIV testing be performed within 48 hours of request by victim.

Type of Impact: Indeterminate Fiscal Impact.

Agencies Affected: Department of Corrections; Department of Health; Juvenile Justice Commission; Department of Law and Public Safety; Office of Victim-Witness Advocacy; Administrative Office of the Courts

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost	Indeterminate Fiscal Impact – See comments below		
State Revenue	Indeterminate Fiscal Impact – See comments below		

- The Office of Legislative Services concludes that the provisions of this bill would have an indeterminate fiscal impact, if any. The bill affects only the timing of the performance of HIV tests. Additionally, the proposed legislation brings New Jersey into compliance with federal requirements to ensure New Jersey does not lose future available federal funding.
- Requires that HIV testing in certain criminal cases be performed within 48 hours of a victim's request.

BILL DESCRIPTION

Assembly Bill No. 3760 of 2013 amends current law to provide that court ordered HIV testing of certain defendants occur within 48 hours of the issuance of the court order.

Under current law, at the time of a criminal charge being filed, indictment or conviction, a victim of aggravated sexual assault or sexual assault may request that the court order the defendant to submit to HIV testing. The testing is to be done as soon as practicable following the issuance of the order.

This bill amends the law to require that if the victim makes the request for testing prior to or at the time of indictment, the court order will specify that the testing is to take place within 48 hours.

This bill brings State law into compliance with federal requirements for the “Grants to Encourage Arrest Policies and Enforcement of Protection Orders Program” funding.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The Office of Legislative Services concludes that the provisions of this bill would have an indeterminate fiscal impact, if any, since only the timing of the performance of HIV tests in certain cases is changing. This does not affect the quantity of tests performed or the cost of each test. Additionally, the proposed legislation brings New Jersey into compliance with federal requirements to ensure New Jersey does not lose future available federal funding.

New Jersey has received \$3,609,636 from federal funding through the “Grants to Encourage Arrest Policies and Enforcement of Protection Orders (CFDA 16.590)” from 2000 to 2012. The proposed legislation brings New Jersey into compliance with federal requirements of this grant to ensure New Jersey does not lose future available federal funding.

Section: Law and Public Safety

Analyst: Kristin Brunner Santos
Senior Fiscal Analyst

Approved: David J. Rosen
Legislative Budget and Finance Officer

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

SENATE, No. 2597

STATE OF NEW JERSEY 215th LEGISLATURE

INTRODUCED FEBRUARY 21, 2013

Sponsored by:

Senator M. TERESA RUIZ

District 29 (Essex)

Senator JOSEPH F. VITALE

District 19 (Middlesex)

Senator JENNIFER BECK

District 11 (Monmouth)

SYNOPSIS

Requires that certain HIV testing be performed within 48 hours of request by victim.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/28/2013)

1 AN ACT concerning serological testing of certain defendants and
2 amending P.L.1993, c.364.

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12 delinquent for an act which if committed by an adult would
13 constitute, aggravated sexual assault or sexual assault as defined in
14 subsection a. or c. of N.J.S.2C:14-2 to submit to an approved
15 serological test for acquired immune deficiency syndrome (AIDS)
16 or infection with the human immunodeficiency virus (HIV) or any
17 other related virus identified as a probable causative agent of AIDS.
18 The court shall issue such an order only upon the request of the
19 victim and upon application of the prosecutor **[made at the time of**
20 **indictment, charge, conviction or adjudication of delinquency]**
21 immediately following the request. The person or juvenile shall be
22 ordered by the court to submit to such repeat or confirmatory tests
23 as may be medically necessary.

24 As used in this section, "formal charge" includes a proceeding by
25 accusation in the event that the defendant has waived the right to an
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33 c.136 (C.26:2H-12) or the Juvenile Justice Commission established
34 pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170). If the
35 victim makes the request prior to or at the time of indictment, or
36 accusation if the defendant has waived the right to an indictment,
37 the court order shall require the testing be performed within 48
38 hours. The order shall also require that the results of the test be
39 reported to the offender and to the appropriate Office of Victim-
40 Witness Advocacy.

41 c. The Office of Victim-Witness Advocacy, established
42 pursuant to section 5 of P.L.1985, c.404 (C.52:4B-43), shall
43 reimburse the Department of Corrections, Department of Health or
44 the Juvenile Justice Commission for the direct costs incurred by
45 these departments for any tests ordered by a court pursuant to

EXPLANATION – Matter enclosed in bold-faced brackets **[thus] in the above bill is not enacted and is intended to be omitted in the law.**

Matter underlined thus is new matter.

1 subsection a. of this section. Reimbursement shall be made
2 following a request from the department.

3 d. In addition to any other disposition authorized, a court may
4 order an offender at the time of sentencing to reimburse the State
5 for the costs of the tests ordered by subsection a. of this section.

6 e. Upon receipt of the result of a test ordered pursuant to
7 subsection a. of this section, the Office of Victim-Witness
8 Advocacy shall provide the victim with appropriate counseling,
9 referral for counseling and if appropriate, referral for health care.
10 The office shall notify the victim or make appropriate arrangements
11 for the victim to be notified of the test result.

12 f. The result of a test ordered pursuant to subsection a. of this
13 section shall be confidential and employees of the Department of
14 Corrections, the Juvenile Justice Commission, the Office of Victim-
15 Witness Advocacy, a health care provider, health care facility or
16 counseling service shall not disclose the result of a test performed
17 pursuant to this section except as authorized herein or as otherwise
18 authorized by law or court order. The provisions of this section
19 shall not be deemed to prohibit disclosure of a test result to the
20 person tested.

21 g. Persons who perform tests ordered pursuant to subsection a.
22 of this section in accordance with accepted medical standards for
23 the performance of such tests shall be immune from civil and
24 criminal liability arising from their conduct.

25 h. This section shall not be construed to preclude or limit any
26 other testing for acquired immune deficiency syndrome (AIDS) or
27 infection with the human immunodeficiency virus (HIV) or any
28 other related virus identified as a probable causative agent of AIDS
29 which is otherwise permitted by statute, court rule or common law.

30 (cf: P.L.1995, c.280, s.22)

31

32 2. This act shall take effect immediately.

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STATEMENT

36

37 This bill amends current law to provide that court ordered HIV
38 testing of certain defendants occur within 48 hours of the issuance
39 of the court order.

40 Under current law, at the time of a criminal charge being filed,
41 indictment or conviction, a victim of aggravated sexual assault or
42 sexual assault may request that the court order the defendant to
43 submit to HIV testing. The testing is to be done as soon as
44 practicable following the issuance of the order. This bill amends
45 the law to require that if the victim makes the request for testing
46 prior to or at the time of indictment, the court order will specify that
47 the testing is to take place within 48 hours.

S2597 RUIZ, VITALE

4

1 This bill brings State law into compliance with federal
2 requirements for “Grants to Encourage Arrest Policies and Enforcement
3 of Protection Orders Program” funding.

SENATE HEALTH, HUMAN SERVICES AND SENIOR
CITIZENS COMMITTEE

STATEMENT TO

SENATE, No. 2597

STATE OF NEW JERSEY

DATED: MARCH 4, 2013

The Senate Health, Human Services and Senior Citizens Committee reports favorably Senate Bill No. 2597.

As reported, this bill amends current law to provide that court ordered HIV testing of certain defendants occur within 48 hours of the issuance of the court order.

Under current law, at the time of a criminal charge being filed, indictment or conviction, a victim of aggravated sexual assault or sexual assault may request that the court order the defendant to submit to HIV testing. The testing is to be done as soon as practicable following the issuance of the order. This bill amends the law to require that if the victim makes the request for testing prior to or at the time of indictment, the court order will specify that the testing is to take place within 48 hours.

This bill brings State law into compliance with federal requirements for “Grants to Encourage Arrest Policies and Enforcement of Protection Orders Program” funding.

This bill is identical to Assembly Bill No. 3760 (Oliver/Conaway/Eustace), which the committee also reported favorably on this date.

LEGISLATIVE FISCAL ESTIMATE
SENATE, No. 2597
STATE OF NEW JERSEY
215th LEGISLATURE

DATED: MAY 29, 2013

SUMMARY

- Synopsis:** Requires that certain HIV testing be performed within 48 hours of request by victim.
- Type of Impact:** Indeterminate Fiscal Impact.
- Agencies Affected:** Department of Corrections; Department of Health; Juvenile Justice Commission; Department of Law and Public Safety; Office of Victim-Witness Advocacy; Administrative Office of the Courts.

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost	Indeterminate Fiscal Impact – See comments below		
State Revenue	Indeterminate Fiscal Impact – See comments below		

- The Office of Legislative Services concludes that the provisions of this bill would have an indeterminate fiscal impact, if any. The bill affects only the timing of the performance of HIV tests. Additionally, the proposed legislation brings New Jersey into compliance with federal requirements to ensure New Jersey does not lose future available federal funding.
- Requires that HIV testing in certain criminal cases be performed within 48 hours of a victim’s request.

BILL DESCRIPTION

Senate Bill No. 2597 of 2013 amends current law to provide that court ordered HIV testing of certain defendants occur within 48 hours of the issuance of the court order.

Under current law, at the time of a criminal charge being filed, indictment or conviction, a victim of aggravated sexual assault or sexual assault may request that the court order the defendant to submit to HIV testing. The testing is to be done as soon as practicable following the issuance of the order.

This bill amends the law to require that if the victim makes the request for testing prior to or at the time of indictment, the court order will specify that the testing is to take place within 48 hours.

This bill brings State law into compliance with federal requirements for the “Grants to Encourage Arrest Policies and Enforcement of Protection Orders Program” funding.

FISCAL ANALYSIS

EXECUTIVE BRANCH

Department of Law and Public Safety

None received.

Judiciary

The Administrative Office of the Courts indicated the proposed legislation would not impact revenue or expenditures.

OFFICE OF LEGISLATIVE SERVICES

The Office of Legislative Services concludes that the provisions of this bill would have an indeterminate fiscal impact, if any, since only the timing of the performance of HIV tests in certain cases is changing. This does not affect the quantity of tests performed or the cost of each test. Additionally, the proposed legislation brings New Jersey into compliance with federal requirements to ensure New Jersey does not lose future available federal funding.

New Jersey has received \$3,609,636 from federal funding through the “Grants to Encourage Arrest Policies and Enforcement of Protection Orders (CFDA 16.590)” from 2000 to 2012. The proposed legislation brings New Jersey into compliance with federal requirements of this grant to ensure New Jersey does not lose future available federal funding.

Section: *Law and Public Safety*
Analyst: *Kristin Brunner Santos*
 Senior Fiscal Analyst
Approved: *David J. Rosen*
 Legislative Budget and Finance Officer

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE, No. 2597

STATE OF NEW JERSEY

DATED: JUNE 3, 2013

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 2597.

This bill requires that court ordered HIV testing of certain defendants, when requested by a victim of an aggravated sexual assault or sexual assault prior to or at the time of indictment, must take place within 48 hours of the issuance of the court order.

Under current law, at the time of a criminal charge being filed, indictment or conviction, a victim of aggravated sexual assault or sexual assault may request that the court order the defendant to submit to HIV testing. The testing is to be done as soon as practicable following the issuance of the order. This bill amends the law to require that if the victim makes the request for testing prior to or at the time of indictment, the court order will specify that the testing is to take place within 48 hours.

This bill brings State law into compliance with federal requirements for “Grants to Encourage Arrest Policies and Enforcement of Protection Orders Program” funding.

FISCAL IMPACT:

The Office of Legislative Services (OLS) concludes that the provisions of this bill will have an indeterminate fiscal impact, if any, since only the timing of the performance of HIV tests in certain cases is changing. This bill does not affect the quantity of tests performed or the cost of each test. Additionally, the bill brings New Jersey into compliance with federal requirements to ensure New Jersey does not lose future available federal funding.

New Jersey has received \$3,609,636 from federal funding through the “Grants to Encourage Arrest Policies and Enforcement of Protection Orders (CFDA 16.590)” from 2000 to 2012. This bill will bring New Jersey into compliance with federal requirements of this grant to ensure New Jersey does not lose future available federal funding.