

NINTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

H.B. NO. 9-232

SECOND REGULAR SESSION, 1994

---

---

---

AN ACT

To require HIV testing of certain convicted sex offenders; and for other purposes.

**BE IT ENACTED BY THE NINTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE:**

Section 1. Findings. The Legislature finds that victims of sexual abuse have the right to find out if they have been exposed to the AIDS virus by the offender.

Section 2. New Section. A new Section is hereby added to 6 CMC Chapter 3 to read as follows:

"§ 1312. A person convicted of or otherwise sentenced, or a juvenile adjudicated, for violating § 1301, § 1302, § 1304, § 1306 or § 1311 of this Chapter shall be tested for the presence of the etiologic agent for acquired immune deficiency syndrome by the Department of Public Health and Environmental Services. The results of such test shall remain confidential and shall only be disclosed to the offender, the victim of the sexual abuse, and those Department of Public Health and Environmental Services employees who need access to this information to perform their jobs, unless permission for disclosure is provided by the offender. The Department of Public Health and Environmental Services shall provide to the victim counseling regarding the HIV disease, HIV testing, and the availability of health care and support services."

Section 3. New Section. A new Section is hereby added to 6 CMC Chapter 3 to read as follows:

"§ 1313. The test used to determine the presence of the etiologic agent for acquired immune deficiency syndrome by the Department of Public Health shall be administered by qualified medical personnel according to accepted medical practices."

Section 4. Severability. If any provision of this Act or the application of any such provision to any person or circumstance should be held invalid by a court of competent jurisdiction, the remainder of this Act or the application of its provisions to persons or circumstances other than those to which it is held invalid shall not be affected thereby.

Section 5. Effective Date. This Act shall take effect upon its approval by the Governor or upon its becoming law without such approval.

**CERTIFIED BY:**

**ATTESTED BY:**

/s/ Jesus T. Attao  
JESUS T. ATTAO  
Acting Speaker  
House of Representatives

/s/ Evelyn C. Fleming  
EVELYN C. FLEMING  
House Clerk

Approved this 22nd day of September, 1994

/s/ Jesus C. Borja  
~~FROILAN C. TENORIO~~ JESUS C. BORJA  
Acting Governor  
Commonwealth of the Northern Mariana Islands