

State of Arizona
Senate
Fifty-third Legislature
Second Regular Session
2018

CHAPTER 22
SENATE BILL 1076

AN ACT

AMENDING SECTION 13-1210, ARIZONA REVISED STATUTES; RELATING TO ASSAULT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 13-1210, Arizona Revised Statutes, is amended to
3 read:

4 13-1210. Assaults on public safety employees or volunteers
5 and state hospital employees; disease testing;
6 petition; hearing; notice; definitions

7 A. A public safety employee or volunteer or the employing agency,
8 officer or entity may petition the court for an order authorizing testing
9 of another person for the human immunodeficiency virus, common blood borne
10 diseases or other diseases specified in the petition if there are
11 reasonable grounds to believe an exposure occurred and one of the
12 following applies:

13 1. The person is charged in any criminal complaint and the
14 complaint alleges that the person interfered with the official duties of
15 the public safety employee or volunteer by biting, scratching, spitting or
16 transferring blood or other bodily fluids on or through the skin or
17 membranes of the public safety employee or volunteer.

18 2. There is probable cause to believe that the person interfered
19 with the official duties of the public safety employee or volunteer by
20 biting, scratching, spitting or transferring blood or other bodily fluids
21 on or through the skin or membranes of the public safety employee or
22 volunteer and that the person is deceased.

23 3. There is probable cause to believe that the person bit,
24 scratched, spat or transferred blood or other bodily fluid on or through
25 the skin or membranes of a public safety employee or volunteer who was
26 performing an official duty.

27 4. The person is arrested, charged or in custody and the public
28 safety employee or volunteer alleges, by affidavit, that the person
29 interfered with the official duties of the public safety employee or
30 volunteer by biting, scratching, spitting or transferring blood or other
31 bodily fluids on or through the skin or membranes of the public safety
32 employee or volunteer.

33 B. An employee of the Arizona state hospital or the employing
34 agency may petition the court for an order authorizing testing of another
35 person for the human immunodeficiency virus, common blood borne diseases
36 or other diseases specified in the petition if there are reasonable
37 grounds to believe an exposure occurred and the person is a patient who is
38 confined to the Arizona state hospital and who is alleged to have
39 interfered with the official duties of the Arizona state hospital employee
40 by biting, scratching, spitting or transferring blood or other bodily
41 fluids on or through the skin or membranes of the Arizona state hospital
42 employee.

43 C. The court shall hear the petition promptly. If the court finds
44 that probable cause exists to believe that a possible transfer of blood or
45 other bodily fluids occurred between the person and the public safety

1 employee or volunteer or the Arizona state hospital employee, the court
2 shall order that either:

3 1. The person provide two specimens of blood for testing.

4 2. If the person is deceased, the medical examiner draw two
5 specimens of blood for testing.

6 D. Notwithstanding subsection C, paragraph 2 of this section, on
7 written notice from the agency, officer or entity employing the public
8 safety employee or volunteer, the medical examiner is authorized to draw
9 two specimens of blood for testing during the autopsy or other examination
10 of the deceased person's body. The medical examiner shall release the
11 specimen to the employing agency, officer or entity for testing only after
12 the court issues its order pursuant to subsection C, paragraph 2 of this
13 section. If the court does not issue an order within thirty days after
14 the medical examiner collects the specimen, the medical examiner shall
15 destroy the specimen.

16 E. Notice of the test results shall be provided as prescribed by
17 the department of health services to the person tested, to the public
18 safety employee or volunteer or the Arizona state hospital employee named
19 in the petition and to the employee's or volunteer's employing agency,
20 officer or entity and, if the person tested is incarcerated or detained,
21 to the officer in charge and the chief medical officer of the facility in
22 which the person is incarcerated or detained.

23 F. Section 36-665 does not apply to this section.

24 G. For the purposes of this section:

25 1. "Arizona state hospital" includes the Arizona community
26 protection and treatment center.

27 2. "Arizona state hospital employee" means an employee of the
28 Arizona state hospital who has direct patient contact.

29 3. "Private prison security officer" means a security officer who
30 is employed by a private contractor that contracts with a governmental
31 entity to provide detention or incarceration facility services for
32 offenders.

33 4. "Public safety employee or volunteer" means a law enforcement
34 officer, any employee, **CONTRACTOR** or volunteer of a state or local law
35 enforcement agency **OR CORRECTIONAL FACILITY**, a probation officer, a
36 surveillance officer, an adult or juvenile correctional service officer, a
37 detention officer, a private prison security officer, a firefighter, ~~or~~ an
38 emergency medical technician **OR ANY OTHER PERSON WHO IS AUTHORIZED TO**
39 **PERFORM OFFICIAL DUTIES OR BE PRESENT WITHIN A CORRECTIONAL FACILITY.**

APPROVED BY THE GOVERNOR MARCH 16, 2018.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 16, 2018.