

State of Arizona
Senate
Fifty-fourth Legislature
First Regular Session
2019

CHAPTER 21
SENATE BILL 1317

AN ACT

AMENDING SECTION 13-1210, ARIZONA REVISED STATUTES; RELATING TO PUBLIC SAFETY EMPLOYEES AND VOLUNTEERS.

(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 5. THE PUBLIC SAFETY EMPLOYEE OR VOLUNTEER, AS PART OF THE
34 EMPLOYEE'S OR VOLUNTEER'S OFFICIAL DUTIES, WAS RENDERING AID TO THE PERSON
35 AS A RESULT OF A MEDICAL EMERGENCY AND WAS EXPOSED TO BLOOD OR OTHER
36 BODILY FLUIDS ON OR THROUGH THE SKIN OR MEMBRANES.

37 6. THE PUBLIC SAFETY EMPLOYEE OR VOLUNTEER, AS PART OF THE
38 EMPLOYEE'S OR VOLUNTEER'S OFFICIAL DUTIES, WAS RENDERING AID TO THE PERSON
39 AS A RESULT OF A MEDICAL EMERGENCY AND WAS EXPOSED TO BLOOD OR OTHER
40 BODILY FLUIDS ON OR THROUGH THE SKIN OR MEMBRANES, AND THE PERSON IS
41 DECEASED.

42 B. An employee of the Arizona state hospital or the employing
43 agency may petition the court for an order authorizing testing of another
44 person for the human immunodeficiency virus, common blood borne diseases

1 or other diseases specified in the petition if there are reasonable
2 grounds to believe an exposure occurred and the person is a patient who is
3 confined to the Arizona state hospital and who is alleged to have
4 interfered with the official duties of the Arizona state hospital employee
5 by biting, scratching, spitting or transferring blood or other bodily
6 fluids on or through the skin or membranes of the Arizona state hospital
7 employee.

8 C. The court shall hear the petition promptly. If the court finds
9 that probable cause exists to believe that a possible transfer of blood or
10 other bodily fluids occurred between the person and the public safety
11 employee or volunteer or the Arizona state hospital employee, the court
12 shall order that either:

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

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

16 D. Notwithstanding subsection C, paragraph 2 of this section, on
17 written notice from the agency, officer or entity employing the public
18 safety employee or volunteer, the medical examiner is authorized to draw
19 two specimens of blood for testing during the autopsy or other examination
20 of the deceased person's body. The medical examiner shall release the
21 specimen to the employing agency, officer or entity for testing only after
22 the court issues its order pursuant to subsection C, paragraph 2 of this
23 section. If the court does not issue an order within thirty days after
24 the medical examiner collects the specimen, the medical examiner shall
25 destroy the specimen.

26 E. Notice of the test results shall be provided as prescribed by
27 the department of health services to the person tested, to the public
28 safety employee or volunteer or the Arizona state hospital employee named
29 in the petition and to the employee's or volunteer's employing agency,
30 officer or entity and, if the person tested is incarcerated or detained,
31 to the officer in charge and the chief medical officer of the facility in
32 which the person is incarcerated or detained.

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

34 G. For the purposes of this section:

35 1. "Arizona state hospital" includes the Arizona community
36 protection and treatment center.

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

39 3. "Private prison security officer" means a security officer who
40 is employed by a private contractor that contracts with a governmental
41 entity to provide detention or incarceration facility services for
42 offenders.

1 4. "Public safety employee or volunteer" means a law enforcement
2 officer, any employee, contractor or volunteer of a state or local law
3 enforcement agency or correctional facility, a probation officer, a
4 surveillance officer, an adult or juvenile correctional service officer, a
5 detention officer, a private prison security officer, a firefighter, an
6 emergency medical technician or any other person who is authorized to
7 perform official duties or be present within a correctional facility.

APPROVED BY THE GOVERNOR MARCH 22, 2019.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 22, 2019.