

39-13-112. HIV testing for assault victims - Reporting - Payment for testing.

(a) (1) If a person is initially arrested for a violation of § 39-13-102 and if the victim of the assault suffered actual contact with the blood or other body fluid of the arrestee, then the arrestee shall undergo human immunodeficiency virus (**HIV**) testing immediately, upon the request of the victim. A licensed medical laboratory shall perform such test at the expense of the arrestee. The arrestee shall obtain a confirmatory test when necessary. The arrestee shall be referred to appropriate counseling.

(2) For purposes of this section, "victim of the assault" is limited to a law enforcement officer; firefighter; correctional officer; youth services officer; probation and parole officer; an employee of the department of correction or the department of children's services; provided, that such officer or employee was performing an official duty; or an emergency medical or rescue worker, emergency medical technician, or paramedic, whether compensated or acting as a volunteer; provided that such technician or worker was performing an official duty.

(b) (1) The licensed medical laboratory shall report the results of the **HIV** test required under this section immediately to the victim of the assault.

(2) The result of the **HIV** test required under this section is not a public record and shall be available only to:

- (A) The victim of the assault;
- (B) The parent or guardian of a minor or incapacitated victim;
- (C) The attending physician of the person tested and of the victim;
- (D) The department of health;
- (E) The department of correction;
- (F) The person tested; and
- (G) The district attorney general prosecuting the case.

(c) If the arrestee's test indicates that the arrestee is infected with **HIV**, then the arrestee shall be responsible for the victim's medical bills, laboratory bills and other expenses related to such victim's exposure to **HIV**, upon a finding that such exposure was from the arrestee.