



Legislation Text

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Res. No. 749

Resolution calling upon the New York State Legislature to pass S.1067, an act to amend the criminal procedure law, the family court act, the penal law and the public health law, in relation to the testing of certain criminal defendants and juveniles for transmissible diseases.

By Council Members Nelson and Stewart

Whereas, The Centers for Disease Control and Prevention states that the human immunodeficiency virus (HIV) and other blood borne pathogens can be spread by sharing or being stuck with a needle containing HIV-infected blood or, after infected blood gets into an open cut or a mucous membrane such as the eyes or inside of the nose; and

Whereas, Legislation enacted in 1995 provides for court-ordered HIV testing of convicted sex offenders upon request of the victims of such crimes; and

Whereas, There are circumstances in which victims of other crimes may be exposed to other diseases that may be transmitted through contact with a defendant's blood or bodily fluids; and

Whereas, Crime victims may wish to obtain this information quickly to enable them to promptly explore and consider all available treatment options such as rapid HIV tests which can give results in about twenty minutes; and

Whereas, The enactment of S.1067, adds to the list of crimes for which court ordered testing may be ordered, permits court ordered testing for other transmissible diseases, in addition to HIV, and authorizes court ordered pretrial testing of persons charged by information or indictment, with certain enumerated offenses, upon a finding that the person requesting testing may have been exposed to bodily fluid of the defendant during commission of such crime; and

Whereas, Victims of crime should not have to endure weeks of uncertainty when there exist means to facilitate rapid testing for HIV and other transmissible diseases; now therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass S.1067, an act to amend the criminal procedure law, the family court act, the penal law and the public health law, in relation to the testing of certain criminal defendants and juveniles for transmissible diseases.

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