

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 303

Short Title: Prostitutes' AIDS Tests/Crime.

(Public)

Sponsors: Representatives Brawley; Bowman and Craven.

Referred to: Judiciary.

February 21, 1989

A BILL TO BE ENTITLED

AN ACT TO REQUIRE THAT CONVICTED PROSTITUTES ARE TESTED FOR HIV VIRUS INFECTION AND TO MAKE PROSTITUTION AFTER POSITIVE TESTING FOR HIV VIRUS INFECTION A CLASS J FELONY.

The General Assembly of North Carolina enacts:

Section 1. G.S. 14-207 reads as rewritten:

"§ 14-207. Degrees of guilt.

Any person who shall be found to have committed two or more violations of any of the provisions of G.S. 14-204 of this Article within a period of one year next preceding the date named in an indictment, information, or charge of violating any of the provisions of such section, shall be deemed guilty in the first degree. Any person who shall be found to have committed a single violation of any of the provisions of such section shall be deemed guilty in the second degree.

Notwithstanding the above, any person who is convicted of prostitution after having tested positive for HIV virus infection pursuant to an order pursuant to G.S. 14-208 is guilty of a Class J felony."

Sec. 2. G.S. 14-208 reads as rewritten:

"§ 14-208. Punishment; probation; parole.

Any person who shall be deemed guilty in the first degree, as set forth in G.S. 14-207, shall be guilty of a misdemeanor, and may be fined or imprisoned in the discretion of the court, or may be committed to any penal or reformatory institution in this State: Provided, that in case of a commitment to a reformatory institution, the commitment shall be made for an indeterminate period of time of not less than one nor more than three years in duration, and the board of managers or directors of the reformatory

1 institution shall have authority to discharge or to place on parole any person so  
2 committed after the service of the minimum term or any part thereof, and to require the  
3 return to said institution for the balance of the maximum term of any person who shall  
4 violate the terms or conditions of the parole.

5 Notwithstanding the previous paragraph, any person who shall be deemed guilty in  
6 the first degree, as set forth in G.S. 14-207, shall be guilty of a misdemeanor and shall  
7 be imprisoned for not less than 60 days nor more than two years, and may be fined in  
8 the discretion of the court. This paragraph applies only in cities with a population of  
9 300,000 or over, according to the most recent decennial federal census, but shall only  
10 apply in a city within that class if the city has adopted an ordinance to that effect, which  
11 ordinance makes a finding that prostitution is a serious problem within the city.

12 Any person who shall be deemed guilty in the second degree, as set forth in G.S.  
13 14-207, shall be guilty of a misdemeanor, and shall be fined or imprisoned at the  
14 discretion of the court: Provided, that the defendant may be placed on probation in the  
15 care of a probation officer designated by law, or theretofore appointed by the court.

16 Probation or parole shall be granted or ordered in the case of a person infected with  
17 venereal disease or testing positive for HIV virus infection only on such terms and  
18 conditions as shall ~~insure~~ ensure medical treatment ~~therefor~~ and prevent ~~the~~ their spread  
19 ~~thereof, and the spread.~~ The court may order any convicted defendant to be examined for  
20 venereal disease. The Court shall order any defendant convicted of prostitution to be  
21 tested for HIV virus infection.

22 The tests for HIV virus infection shall be performed by the local health department.  
23 If the person tests positive for HIV virus infection, the local health department, in  
24 addition to reporting the results to the requesting court, shall forward the results of the  
25 test, together with the name and address of the defendant and the date and place of  
26 conviction, to the Division of Health Services, Department of Human Resources, which  
27 shall keep a perpetual registry of these reports. These reports may only be disclosed by  
28 the local health department and the Division of Health Services upon an order of the  
29 court.

30 No girl or woman who shall be convicted under this Article shall be placed on  
31 probation or on parole in the care or charge of any person except a woman probation  
32 officer."

33 Sec. 3. This act shall become effective October 1, 1989, and applies to first  
34 convictions for prostitution on or after this date.