

## **Department of Planning and Budget**

### **2019 Fiscal Impact Statement**

**1. Bill Number:** HB1998H1

**House of Origin**    ☐ Introduced    ☒ Substitute    ☐ Engrossed  
**Second House**    ☐ In Committee    ☐ Substitute    ☐ Enrolled

**2. Patron:** Price

**3. Committee:** House Committee for Courts of Justice

**4. Title:** Testing for infection with human immunodeficiency virus or hepatitis B or C viruses.

**5. Summary:** The proposed bill provides juvenile and domestic relations district court judges exclusive original jurisdiction for petitions involving minors filed pursuant to § 32.1-45.1 relating to obtaining a blood specimen or test results related to infection with human immunodeficiency virus or hepatitis B or C viruses. If a blood specimen from a minor is sought, consent for obtaining such specimen must be obtained from the parent, guardian, or person standing in loco parentis of such minor prior to initiating such testing. If a blood specimen is sought from a person other than a minor and that person refuses to provide a specimen, a petition may be filed on a form provided by the Office of the Executive of the Supreme Court with the general district court that has jurisdiction.

The bill requires a general district court to hold a hearing within 48 hours of a petition being filed seeking to compel collection of a blood specimen for testing. If the general district court determines that there is probable cause to believe that a person identified by this section has been exposed in the manner prescribed by this section, the court must issue an order requiring the person whose bodily fluids were involved in the exposure to provide a blood specimen or to submit to testing and to disclose the test results.

The bill also provides that any person who is subject to a testing order may appeal the order of the general district court to the circuit court of the same jurisdiction within 10 days of receiving notice of the order. Any hearing conducted must be held in camera as soon as practicable. The record must be sealed and the order of the circuit court is be final and nonappealable.

Finally, the bill specifies that no specimen obtained as a result of a testing order can be tested for any purpose other than for the purpose provided for in this bill, nor shall the specimen or the results of such testing be used for any purpose in any criminal matter or investigation. Any violation of this provisions would constitute reversible error in any criminal case in which the specimen or results were used.

**6. Budget Amendment Necessary:** No

**7. Fiscal Impact Estimates:** Preliminary (see Item 8)

**8. Fiscal Implications:** According to the Office of the Executive Secretary of the Supreme Court of Virginia, the proposed bill is not expected to create a material fiscal impact on court system resources.

**9. Specific Agency or Political Subdivisions Affected:** Courts

**10. Technical Amendment Necessary:** No

**11. Other Comments:** None