

**HB**

**210**

# ALASKA STATE LEGISLATURE

Session  
State Capitol Building, Room 118  
Juneau, Alaska 99801-1182  
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Interim  
716 West Fourth Avenue, Suite 430  
Anchorage, Alaska 99501  
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REPRESENTATIVE LESTL MCGUIRE  
HOUSE DISTRICT 28

Chair  
Judiciary Committee  
  
Member  
House Leadership  
Rules Committee  
Health, Education  
& Social Services  
Committee  
Oil & Gas Committee  
Military & Veterans'  
Affairs Committee

## SECTIONAL ANALYSIS HB 210

*"An Act relating to blood testing of certain persons alleged to have committed certain offenses directed toward peace officers or emergency workers."*

Section 1 – Amends AS 18.15.400 by adding the term adult or juvenile offenders. By replacing *correctional* with public safety officers and replacing *department* with employing agency. This section authorizes bloodborne pathogen testing of prisoners when requested by public safety officer who has received significant exposure from a prisoner.

Section 2 – Amends AS 18.15.410 by adding the term adult or juvenile offenders. By replacing *correctional* with public safety officers and replacing *department* with employing agency. This section specifies the requirement of consent for testing; from the prisoner or the prisoner's representative.

Section 3 – Amends AS 18.15.420 by adding the term adult or juvenile offenders. By replacing *correctional* with public safety officers and replacing *department* with employing agency. This section provides provisions for testing without consent. There must be probable cause that a significant exposure has occurred, a licensed physician has to determine that test results are necessary, or a compelling need for testing exists. The court shall consider the need for the test against privacy or other interests of the prisoner.

Section 4 – Amends AS 18.15.440 by adding the term adult or juvenile offenders. By replacing *correctional* with public safety officers and replacing *department* with employing agency. This section states that confidentiality provisions apply and results can be disclosed only as needed for treatment.

Section 5 – Amends AS 18.15 by adding a new section AS 18.15.445 Assistance by departments and municipalities. Specifically stating that the department, the department of public safety, the department of corrections, and each municipality shall assist public safety officers and employing agencies in complying with the requirements of AS 18.15.400-18.15.450.

Section 6 – Amends AS 18.15.450 by adding new paragraphs. (Definitions)

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**REPRESENTATIVE LESLIE MCGUIRE**  
**HOUSE DISTRICT 28**

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Affairs Committee

## SPONSOR STATEMENT HB 210

*"An Act relating to blood testing of certain persons alleged to have committed certain offenses directed toward peace officers or emergency workers."*

HB 210 takes policies and procedures for testing for blood borne pathogen exposure to correctional officers that were passed by the 23<sup>rd</sup> Alaskan Legislature and expands them to include peace officers, firefighters, emergency medical technicians and mobile paramedics.

The bill first sets out procedures for determining if the first responders were exposed to blood borne pathogens in the course of their work. Once it is reasonably concluded that such exposure has occurred, the bill then sets out procedures for obtaining the consent of the person who exposed the first responder to have his or her blood tested. These procedures protect the identity of the person tested and pass on only the results of the test to the first responder exposed to the blood borne pathogens. The results of the test are also passed on to the person tested.

The bill also provides procedures for court ordered testing of the person who exposed the first responder to blood borne pathogens if that person refuses to be tested. The bill does not enact any new policies or procedures for blood borne pathogen testing, it simply extends the policies and procedures enacted by the 23<sup>rd</sup> Alaskan Legislature for correctional officers to the other first responders mentioned above.

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Military & Veterans'  
Affairs Committee

## REPRESENTATIVE LESLIE MCGUIRE HOUSE DISTRICT 28

### MEMORANDUM

To: Senator Therriault  
Chair, Senate State Affairs Committee

From: Representative Leslie McGuire 

Date: April 14, 2005

Re: Hearing Request - *HB 210, "An Act relating to blood testing of certain persons alleged to have committed certain offenses directed toward peace officers or emergency workers."*

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I respectfully request that *HB 210, "An Act relating to blood testing of certain persons alleged to have committed certain offenses directed toward peace officers or emergency workers."* be scheduled for a hearing at your earliest convenience. I have attached the following for your information:

1. Latest version of the bill
2. Sectional Analysis
3. Sponsor Statement
4. Background Information
5. 4 Zero Fiscal Notes

If you have any questions please feel free to contact me personally, or my staff, Shalon Szymanski, at 6844.

# FISCAL NOTE

STATE OF ALASKA  
2005 LEGISLATIVE SESSION

Fiscal Note Number: 1  
Bill Version: CSHB 210(JUD)  
(H) Publish Date: 4/1/05

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: \_\_\_\_\_  
Title: Bloodborne Pathogen Testing BRU: Alaska Court System  
Component: Trial Courts  
Sponsor: McGuire  
Requester: \_\_\_\_\_ Component No.: 768

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2005) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)

The court system does not anticipate any fiscal impact from the passage of HB 210.

Prepared by: Douglas Wooliver, Administrative Attorney Phone 463-4750  
Division: Alaska Court System Date/Time 3/24/05 9:12 AM  
Approved by: Doug Wooliver for Stephanie Cole, Administrative Director Date 3/24/2005  
Agency: Alaska Court System

# FISCAL NOTE

STATE OF ALASKA  
2004 LEGISLATIVE SESSION

Fiscal Note Number: 2  
Bill Version: CSHB 210(JUD)  
(H) Publish Date: 4/1/05

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept Affected: Corrections  
Title: "An act relating to blood testing of certain persons  
alleged to have committed certain offenses as directed ..." RDU: Administration & Operations  
Sponsor: Representative McGuire Component: Inmate Health Care  
Requester: Judiciary, Finance Component No.: 705

### Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
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<b>CHANGE IN REVENUES ( )</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
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### FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1037 GF/Mental Health	0.0	0.0	0.0	0.0	0.0	0.0
Other (Specify Type--Do not abbreviate)	0.0	0.0	0.0	0.0	0.0	0.0
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2004) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

### POSITIONS

Full-time	0	0	0	0	0	0
Part-time	0	0	0	0	0	0
Temporary	0	0	0	0	0	0

### ANALYSIS: (Attach a separate page if necessary)

This legislation expands Ch 142, SLA 04, HCS CSSB 309 (JUD) to include other "public safety officers from other public safety agencies and exposure from juvenile offenders".

The Department of Corrections does not anticipate a significant fiscal impact with the passage of this legislation.

Prepared by: Sharleen Griffin, Acting Director Phone: (907) 465-4647  
Division: Administrative Services Date/Time: 3/28/05 9:39 AM  
Approved by: Portia C. K. Parker, Deputy Commissioner Date: 3/28/2005  
Agency: Department of Corrections

# FISCAL NOTE

STATE OF ALASKA  
2005 LEGISLATIVE SESSION

Fiscal Note Number: 3  
Bill Version: CSHR 210(JUD)  
(H) Publish Date: 4/1/05

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: LAW  
Title: "An Act relating to blood testing of certain RDU: CRIMINAL  
persons alleged to have committed certain offenses..." Component: Criminal Justice Litigation  
Sponsor: Representative McGuire Component No. \_\_\_\_\_  
Requester: House Judiciary

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type- Do not abbreviate)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2005) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)

This bill amends AS 18.15.400 (Health, Safety, and Housing - Disease Control - Blood Testing of Prisoners for Bloodborne Pathogens) by broadening it to include all peace officers and emergency workers who may have exposure to offenders with blood borne pathogens. The current statute protects correctional officers from exposure to prisoners. This bill would also extend beyond prisoners, to any adult or juvenile offender whether incarcerated or not. The bill seeks to acknowledge that the risk of exposure to blood born pathogens is significant for all peace officers and the ability to test blood to identify where and when medical treatment might be needed is an important protection measure.

Passage of this legislation will have no fiscal impact on the Department of Law.

Prepared by: Kathryn Daughhete, Director  
Division: Administrative Services Division  
Approved by: K. Daughhete for Scott Nordstrand, Acting Attorney General  
Agency: Department of Law

Phone 465-3673  
Date/Time 3/29/05 4:18 PM  
Date 3/29/2005

# FISCAL NOTE

**STATE OF ALASKA**  
**2005 LEGISLATIVE SESSION**

Fiscal Note Number: 4  
 Bill Version: CSHB 210(JUD)  
 (H) Publish Date: 4/1/05

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Public Safety  
 Title: "An Act relating to blood testing of certain persons  
alleged to have committed certain offenses..." RDU: Alaska State Troopers  
 Component: AST Detachments  
 Sponsor: Rep. McGuire  
 Requester: House Judiciary Component No.: 2325

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2005) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)

This bill amends AS 18.15.400 - 18.15.450. Peace officers, fire fighters, emergency medical technicians, mobile intensive care paramedics employed or volunteering for the state or municipality, a volunteer department or emergency medical service provider will be able to request bloodborne pathogen testing when they have been exposed to blood or body fluids during the performance of their duties. The bill will now allow bloodborne testing of certain adult or juvenile offenders in addition to prisoners. The "employing agency" is responsible for insuring the testing procedures are followed correctly. Passage of this bill will have no immediate fiscal impact on the Department of Public Safety, and simply outlines the proper course of action when personnel are exposed to blood or body fluids. DPS has a policy for reporting this kind of exposure.

Prepared by: Lieutenant Todd Sharp Phone 907-465-3223  
 Division: Alaska State Troopers Date/Time 3/30/05 12:01 PM  
 Approved by: Commissioner William Tandeske Date 3/30/2005  
 Agency: Department of Public Safety