



Dear Members of the Committee,

Thank you for allowing me the opportunity to present testimony in opposition to H.B. 1566. Current Texas law already requires juveniles who are adjudicated for sexual offenses to undergo testing for HIV and sexually transmitted diseases (STDs), in part to alert victims of any disease they may have been exposed to. By requiring testing after a youth has been adjudicated, current law allows victims to rely on testing results with an assurance that they are indeed the test results of the actual perpetrator and not the test results of the wrongfully accused.

HB 1566 would amend the law to instead require HIV and STD testing of youth who have merely been accused of sexual offenses, a very low threshold that creates a high risk that victims will receive misinformation from a wrongfully accused person, rather than the test results of the actual perpetrator.

TCJC urges this committee not to adopt this bill because current Texas law better protects victims of sexual offenses.

**COMPARISON OF CURRENT LAW AND H.B. 1566**

	<b>Current Law<sup>1</sup></b>	<b>H.B. 1566</b>
<i>Is HIV/STD testing required for juvenile offenders?</i>	Yes	Yes
<i>For what offenses?</i>	<ul style="list-style-type: none"> <li>• Sexual contact with a child</li> <li>• Sexual assault</li> <li>• Aggravated sexual assault</li> </ul>	<ul style="list-style-type: none"> <li>• Sexual contact with a child</li> <li>• Sexual assault</li> <li>• Aggravated sexual assault</li> </ul>
<i>What is the risk to victims that they will receive misinformation from the test results of the wrongfully accused?</i>	<p style="text-align: center;"><b><u>LOW risk</u></b></p> <p>A juvenile is tested for HIV or STDs only after being <u>adjudicated</u> for a sexual offense. The victim has the assurance that a judge has determined that the accused is the actual perpetrator. The victim can trust that the HIV/STD test results are from the actual perpetrator.</p>	<p style="text-align: center;"><b><u>HIGH risk</u></b></p> <p>A juvenile is tested for HIV or STDs after having merely been <u>alleged</u> to have committed a sexual offense. (This is even looser than HIV/STD testing of adults: Adults in Texas may be tested for HIV or STDs only after being indicted by a grand jury.<sup>2</sup>) The victim has no assurance that the accused is the actual perpetrator. The victim faces too high of a risk that he or she will receive negative test results when the perpetrator in fact does have HIV/STD, or that he or she will receive positive test results when the perpetrator in fact does not have HIV/STD.</p>

## Citations

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<sup>1</sup> Texas Family Code Section 54.033

<sup>2</sup> Texas Code of Criminal Procedure Article 21.31