

Search Warrant for Communicable Disease Testing



Background

House Bill 16-1393 (HB 1393) slightly modifies the process for ordering communicable disease testing for certain health care and emergency service providers if they were assaulted by a person held awaiting trial. Over the last several years, many changes have been made to statute in order to protect first responders from someone who is purposefully attempting to spread a communicable disease. HB 1393 was intended to speed up the current process and add protections for victims who may have started disease management therapies unnecessarily or too late.

What You Need to Know

Under current law, a person who purposefully attempts to spread a communicable disease to a peace officer, firefighter, emergency medical care provider or emergency medical service provider is required to submit to a medical test upon conviction of assault. Because this may take up to six months in the current system, the bill allows a victim to immediately file a search warrant if the following conditions are met:

- A probable cause determination is made by a judge;
- The person has been asked to voluntarily submit a blood test but refused; and
- A medical professional has probable cause to believe that the victim is at risk for transmission of the disease based on specific facts from the incident or the disease itself.

When each of the above requirements are met, a court shall order the person accused of assault to submit blood for testing within 35 days of issuance.

Additional Resources

- [HB 1393 Fiscal Note](#)
- HB 1390 took effect on June 10, 2016.

For questions or more information, contact Amber Burkhardt, CHA policy analyst, at 720.330.6028.