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GOVERNOR SPITZER SIGNS BILL TO GIVE RAPE VICTIMS INFORMATION ABOUT MEDICAL RISKS

Governor Eliot Spitzer today announced that he has signed legislation ensuring that victims of sex offenses will be able to get timely information from the criminal justice system that can help guide their medical treatment. Under this new law, New York courts can order that an indicted defendant be tested for the HIV virus. Previously, victims could only request and receive such information at the time of a defendant's conviction.

"Victims of sexual assault have a right to information that impacts their health, ability to receive timely treatment and peace of mind," said Governor Spitzer. "This law provides greater support to victims by making available critical health related information, treatment and counseling."

Victims of sexual offenses face difficult decisions about their own treatment and this law requires that appropriate counseling be made available to help them make informed decisions. The law also enhances hospital services for victims and requires hospitals to provide HIV post-exposure treatment therapies. The bill requires hospitals to inform victims that they may be eligible to receive reimbursement for costly HIV treatments from the Crime Victims Board, a state agency that helps victims cover various expenses. In addition, it will require the State Department of Health to develop guidelines to ensure that accurate and current medical information regarding testing, counseling and medical treatment is available, and that testing is done for a medical benefit.

Assemblywoman Nettie Mayersohn, who sponsored the legislation, said: "It is critical that a rape victim be given the information on the HIV status of the alleged rapist as soon as possible. Victims are counseled to begin taking the medication immediately after the rape. When the victim then receives information on the rapist's HIV status, she and her doctor can make an informed decision on whether or not to continue treatment. This is an important piece of legislation and I am very grateful to Governor Spitzer for his support."

Senator Stephen Saland, who sponsored the legislation, said: "It is unconscionable that, until now, sex crimes victims have spent months or years waiting to find out if their attacker exposed them to HIV, which may have life threatening consequences. These victims have been traumatized enough -- they should not have to agonize for even one day longer than necessary to receive this critical information."

This bill was introduced at the request of the New York State Division of Criminal Justice Services.

The legislation will apply when a defendant has been indicted for the crime, and the victim makes a request to the court within six months of that crime. The court is required to order HIV testing of the indicted defendant whenever it finds that such testing would provide medical or psychological benefit to the victim.

<http://www.state.ny.us/governor/press/0823071.html>