

S. 348

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(A292, R353, S348)

AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 63-13-825 SO AS TO REQUIRE FAMILY CHILDCARE OPERATORS AND CAREGIVERS ANNUALLY TO COMPLETE A MINIMUM OF TWO HOURS OF TRAINING APPROVED BY THE DEPARTMENT OF SOCIAL SERVICES AND TO REQUIRE THE DEPARTMENT TO POST ON ITS WEBSITE HOMES THAT ARE IN COMPLIANCE WITH THIS TRAINING REQUIREMENT AND THOSE THAT ARE NOT; AND TO AMEND SECTION 16-3-740, AS AMENDED, RELATING TO TESTING CRIMINAL OFFENDERS FOR SEXUALLY TRANSMITTED DISEASES WHEN A CRIME VICTIM HAS BEEN EXPOSED TO BODY FLUIDS DURING THE COMMISSION OF THE CRIME, SO AS TO ESTABLISH A FORTY-EIGHT HOUR TIME FRAME WITHIN WHICH THE SOLICITOR MUST PETITION THE COURT TO HAVE THE OFFENDER TESTED WHEN THE VICTIM HAS MADE SUCH REQUEST.

Be it enacted by the General Assembly of the State of South Carolina:

Annual training required; compliance to be reported on department's website

SECTION 1. Article 7, Chapter 13, Title 63 of the 1976 Code is amended by adding:

"Section 63-13-825. (A) An operator of a family childcare home and any person employed by or who contracts with an operator of a family childcare home, annually shall complete and provide documentation to the Department of Social Services of a minimum of two hours of training approved by the department.

(B) The department shall indicate on its website those family childcare homes that are, and those that are not, in compliance with this section and may include, but are not limited to, the amount of

training the operator and other persons employed by or under contract with a family childcare home have reported to the department."

Petition for testing offender to be filed within forty-eight hours of request

SECTION 2. Section 16-3-740(B) of the 1976 Code is amended to read:

"(B) Upon the request of a victim who has been exposed to body fluids during the commission of a criminal offense, or upon the request of the legal guardian of a victim who has been exposed to body fluids during the commission of a criminal offense, the solicitor must, within forty-eight hours, excluding weekends and legal holidays as defined in Chapter 5, Title 53, after the offender is charged, or within forty-eight hours, excluding weekends and legal holidays, as defined in Chapter 5, Title 53, after a petition has been filed against an offender in family court, petition the court to have the offender tested for Hepatitis B and HIV. An offender must not be tested under this section for Hepatitis B and HIV without a court order. To obtain a court order, the solicitor must demonstrate the following:

- (1) the victim or the victim's legal guardian requested the tests;
- (2) there is probable cause that the offender committed the offense;
- (3) there is probable cause that during the commission of the offense there was a risk that body fluids were transmitted from one person to another; and
- (4) the offender has received notice of the petition and notice of his right to have counsel represent him at a hearing.

The results of the tests must be kept confidential and disclosed only to the solicitor who obtained the court order. The solicitor shall then notify only those persons designated in subsection (C)."

Time effective

SECTION 3. This act takes effect upon approval by the Governor.

Ratified the 23rd day of August, 2010.

Approved the 27th day of August, 2010.