

BILL ANALYSIS

Senate Research Center
79R7970 UM-D

H.B. 43
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Criminal Justice
5/17/2005
Engrossed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Currently, there is no statute that requires the Texas Department of Criminal Justice to conduct mandatory HIV tests on inmates and state jail felons before they are released. The purpose of this bill is to address the health risks posed by releasing inmates infected with HIV/AIDS who unknowingly transmit the deadly disease to others. This can be accomplished by testing inmates prior to their release. If the inmate tests positive, the results will be reported to the Department of State Health Services and handled as a health risk as all other cases are currently.

H.B. 43 implements this policy.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 501.054(i), Government Code, as follows:

(i) Authorizes the institutional division of the Texas Department of Criminal Justice (institutional division) to test an inmate confined in a facility operated by the division for human immunodeficiency virus at any time, but requires the division to test an inmate who is eligible for release before the inmate is released from the division. Authorizes the division, if the institutional division determines that an inmate has a positive test result, to segregate the inmate from other inmates. Requires the institutional division to report the results of a positive test to the Department of State Health Services for the purposes of notification and reporting as described by Sections 81.050-81.052, Health and Safety Code.

SECTION 2. Amends Section 507.023(b), Government Code, to require, rather than authorize, the state jail division of the Department of Criminal Justice to adopt a policy for handling a defendant with AIDS or HIV and to test a defendant for AIDS or HIV in the same manner and subject to the same conditions as apply to the institutional division under Section 501.054.

SECTION 3. Effective date: September 1, 2005.