

BILL ANALYSIS

C.S.H.B. 43
By: Davis, Yvonne
Corrections
Committee Report (Substituted)

BACKGROUND AND PURPOSE

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 this deadly disease to others. This can be accomplished by testing inmates prior to being released in the public. If the inmate is 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.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

Section 1(i) Amends the Government Code to require that an institutional division must test an inmate for HIV/AIDS prior to being released from the division and must report the results of a positive test to the Department of State Health Services.

Section 2(b) Amends the Government Code to require that the state jail division must test the inmate for HIV/AIDS prior to release as outlined under Section 501.054.

EFFECTIVE DATE

September 1, 2005

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute adds language that an institutional division must report the results of a positive test to the Department of State Health Services.