

By: Davis of Dallas

H.B. No. 43

A BILL TO BE ENTITLED

1 AN ACT

2 relating to requiring the Texas Department of Criminal Justice to  
3 conduct a mandatory human immunodeficiency virus test on certain  
4 inmates and state jail felons.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 501.054(i), Government Code, is amended  
7 to read as follows:

8 (i) The institutional division may test an inmate confined  
9 in a facility operated by the division for human immunodeficiency  
10 virus at any time, but must test an inmate who is eligible for  
11 release before the inmate is released from the division. If the  
12 institutional division determines that an inmate has a positive  
13 test result, the division may segregate the inmate from other  
14 inmates. The institutional division shall report the results of a  
15 positive test to the Department of State Health Services for the  
16 purposes of notification and reporting as described by Sections  
17 81.050-81.052, Health and Safety Code.

18 SECTION 2. Section 507.023(b), Government Code, is amended  
19 to read as follows:

20 (b) The state jail division shall adopt a policy for  
21 handling a defendant with AIDS or HIV and shall [~~may~~] test a  
22 defendant for AIDS or HIV in the same manner and subject to the same  
23 conditions as apply to the institutional division under Section  
24 501.054.

1 SECTION 3. This Act takes effect September 1, 2005.