

1-1 By: Davis of Dallas (Senate Sponsor - Ellis) H.B. No. 43
1-2 (In the Senate - Received from the House May 10, 2005;
1-3 May 12, 2005, read first time and referred to Committee on Criminal
1-4 Justice; May 18, 2005, reported favorably by the following vote:
1-5 Yeas 5, Nays 0; May 18, 2005, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to requiring the Texas Department of Criminal Justice to
1-9 conduct a mandatory human immunodeficiency virus test on certain
1-10 inmates and state jail felons.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Section 501.054(i), Government Code, is amended
1-13 to read as follows:

1-14 (i) The institutional division may test an inmate confined
1-15 in a facility operated by the division for human immunodeficiency
1-16 virus at any time, but must test an inmate who is eligible for
1-17 release before the inmate is released from the division. If the
1-18 institutional division determines that an inmate has a positive
1-19 test result, the division may segregate the inmate from other
1-20 inmates. The institutional division shall report the results of a
1-21 positive test to the Department of State Health Services for the
1-22 purposes of notification and reporting as described by Sections
1-23 81.050-81.052, Health and Safety Code.

1-24 SECTION 2. Section 507.023(b), Government Code, is amended
1-25 to read as follows:

1-26 (b) The state jail division shall adopt a policy for
1-27 handling a defendant with AIDS or HIV and shall [~~may~~] test a
1-28 defendant for AIDS or HIV in the same manner and subject to the same
1-29 conditions as apply to the institutional division under Section
1-30 501.054.

1-31 SECTION 3. This Act takes effect September 1, 2005.

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