

BILL ANALYSIS

H.B. 1276
By: Davis, Yvonne
Corrections
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, the Texas Department of Criminal Justice (department) provides volunteer, or "opt-out," human immunodeficiency virus (HIV) screening for inmates during the diagnostic process upon entry into the prison system. According to department officials, an estimated 80% of inmates are tested. Mandatory HIV testing is required of all inmates prior to release from a state correctional facility.

There is an extremely high rate of HIV/AIDS in prisons. Individuals who are aware of their status are less likely to engage in potentially risky behavior and are less of a risk for spreading the infection. In addition, prisoners who remain ignorant of their HIV status cannot be properly treated and counseled; their disease will worsen and they will continue to infect others, increasing the cost of state medical care and the threat to public health.

Mandatory HIV testing upon entry into a correctional facility is an important step in halting the spread of HIV/AIDS. HIV testing of inmates upon entry will give the opportunity for earlier partner notification and enable those infected to receive proper treatment and counseling.

HB 1276 requires the Texas Department of Criminal Justice to test inmates entering into a correctional facility for HIV during the diagnostic process.

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

HB 1276 amends the Government Code to require the Texas Department of Criminal Justice (department) to perform human immunodeficiency virus (HIV) testing of inmates confined in a facility operated by the correctional institutions division, for whom the department does not have a record of a positive test result, during the diagnostic process. HB 1276 requires the department to maintain confidentiality of test results indicating HIV infection at all times, not only after discharge or release. HB 1276 updates statute by making necessary name changes.

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2007.