

By: Ellis

S.B. No. 453

A BILL TO BE ENTITLED

AN ACT

relating to the testing of certain inmates for HIV or AIDS.

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

SECTION 1. Section 501.054, Government Code, is amended by amending Subsections (g) and (i) and adding Subsection (j) to read as follows:

(g) The department shall maintain the confidentiality of test results of an inmate indicating HIV infection at all times, including after the inmate's discharge, release from a state jail, or release on parole or mandatory supervision. The department ~~and~~ may not honor the request of an agency of the state or any person who requests a test result as a condition of housing or supervising the inmate while the inmate is on community supervision or parole or mandatory supervision, unless honoring the request would improve the ability of the inmate to obtain essential health and social services.

(i) The department ~~[institutional division]~~ may test an inmate confined in a facility operated by the correctional institutions division for human immunodeficiency virus at any time, but must test:

(1) during the diagnostic process, an inmate for whom the department does not have a record of a positive test result; and

(2) an inmate who is eligible for release before the inmate is released from the division.

1 (j) If the department [~~institutional division~~] determines
2 that an inmate has a positive test result, the department
3 [~~division~~] may segregate the inmate from other inmates. The
4 department [~~institutional division~~] shall report the results of a
5 positive test to the Department of State Health Services for the
6 purposes of notification and reporting as described by Sections
7 81.050-81.052, Health and Safety Code.

8 SECTION 2. Subsection (i), Section 501.054, Government
9 Code, as amended by this Act, applies only to an inmate with respect
10 to whom the Texas Department of Criminal Justice begins the
11 diagnostic process on or after the effective date of this Act. An
12 inmate with respect to whom the department begins the diagnostic
13 process before the effective date of this Act is governed by the law
14 in effect at the time the department began the diagnostic process,
15 and the former law is continued in effect for that purpose.

16 SECTION 3. This Act takes effect immediately if it receives
17 a vote of two-thirds of all the members elected to each house, as
18 provided by Section 39, Article III, Texas Constitution. If this
19 Act does not receive the vote necessary for immediate effect, this
20 Act takes effect September 1, 2007.