

SUBJECT: Mandatory HIV and AIDS testing for prostitutes

COMMITTEE: Criminal Jurisprudence — committee substitute recommended

VOTE: 5 ayes — Hinojosa, Dunnam, Green, Nixon, Talton

0 nays

4 absent — Garcia, Keel, Smith, Wise

WITNESSES: For — Bert P. Ward III, Harris County Sheriff's Office

Against — None

DIGEST: CSHB 2978 would amend the Penal Code to make it a third-degree felony to engage in prostitution or to solicit sexual acts for hire knowing that one had HIV or AIDS. A third-degree felony is punishable by two to 10 years in prison and an optional fine of up to \$10,000.

The bill would require a person convicted of or receiving deferred adjudication for prostitution or soliciting sexual acts for hire to undergo a test for HIV or AIDS. The person performing the test would have to make the result known to the defendant through the local health authority. This test could be used for subsequent prosecution if the defendant committed an offense of prostitution, but otherwise the court could not release the test results.

CSHB 2978 would require the defendant tested for HIV or AIDS to pay a fee of up to \$100 to cover the cost of the test.

This bill would take effect September 1, 1999, and would apply only to an offense committed on or after that date.

NOTES: The committee substitute modified the original bill by providing that the test for HIV or AIDS also would be required of a defendant who received deferred adjudication.