

- SUBJECT:** Requiring HIV testing of inmates by TDCJ
- COMMITTEE:** Corrections — favorable, without amendment
- VOTE:** 5 ayes — Madden, Hochberg, McReynolds, Haggerty, Jones
0 nays
2 absent — Dunnam, Oliveira
- WITNESSES:** For — Randall K. Ellis, Legacy Community Health; Carolyn A. Parker, Texas AIDS Network; (*Registered, but did not testify:* Ana Yanez-Correa, Texas Criminal Justice Coalition)

Against — None

On — Michael Kelley, TDCJ
- BACKGROUND:** Government Code, sec. 501.054(i) authorizes the institutional division of the Texas Department of Criminal Justice (TDCJ) to test an inmate for human immunodeficiency virus (HIV) at any time. TDCJ must test an inmate eligible for release before release. If the individual has a positive test result, TDCJ may segregate the inmate from other inmates. The institutional division must report any positive test to the Department of State Health Services.
- DIGEST:** HB 1276 would require TDCJ to test an inmate for HIV during the diagnostic process if the department did not have a record of a positive test result. TDCJ would have to maintain the confidentiality of the test results of an inmate testing positive at all times.

The bill would apply to an inmate to whom the diagnostic process began on or after the bill's effective date.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2007.

**SUPPORTERS
SAY:**

HB 1276 would ensure that TDCJ collected important health information about inmates that would allow the agency to begin treatment at an earlier stage. Currently, TDCJ only provides opt-in testing for HIV. While this policy allows testing of approximately 80 percent of inmates, one in five choose to opt-out and remain untested. HB 1276 would allow the department to use the same disciplinary actions to compel inmates to accept the test that are employed upon an inmate's release. These strategies include denial of good time and loss of parole. TDCJ indicates that no physical coercion would be used if an inmate continued to resist the test prescribed under this bill.

**OPPONENTS
SAY:**

No apparent opposition.

NOTES:

The companion bill, SB 453 by Ellis, passed the Senate by 31-0 on April 30 and has been referred to the House Corrections Committee.