

BILL ANALYSIS

Senate Research Center

S.B. 75
By: Haywood
Health & Human Services
1-21-97
As Filed

DIGEST

Currently, Texas law does not provide for mandatory acquired immune deficiency syndrome (AIDS) or human immunodeficiency virus (HIV) testing of a person indicted for certain offenses in which AIDS or HIV can be transmitted. There is a known risk of transmitting AIDS or HIV in the commission of offenses involving the incidental exchange of bodily fluids. This bill provides for testing persons indicted for certain sex crimes for AIDS and HIV.

PURPOSE

As proposed, S.B. 75 provides for testing persons indicted for certain sex crimes for acquired immune deficiency syndrome (AIDS) and human immunodeficiency virus (HIV).

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Article 21.31(a), Code of Criminal Procedure, to require a person indicted or who waives indictment for any offense under Title 5, Penal Code, and for which prima facie evidence supports a finding that the victim may have been exposed to acquired immune deficiency syndrome (AIDS) or human immunodeficiency virus (HIV) as a result of the commission of the offense, at the direction of the court, to undergo testing to determine whether the person has AIDS or HIV. Makes conforming changes.

SECTION 2. Effective date: September 1, 1997.

SECTION 3. Emergency clause.