

AN ACT

relating to requiring the Texas Department of Criminal Justice to conduct a mandatory human immunodeficiency virus test on certain inmates and state jail felons.

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

SECTION 1. Section 501.054(i), Government Code, is amended to read as follows:

(i) The institutional division may test an inmate confined in a facility operated by the division for human immunodeficiency virus at any time, but must test an inmate who is eligible for release before the inmate is released from the division. If the institutional division determines that an inmate has a positive test result, the division may segregate the inmate from other inmates. The institutional division shall report the results of a positive test to the Department of State Health Services for the purposes of notification and reporting as described by Sections 81.050-81.052, Health and Safety Code.

SECTION 2. Section 507.023(b), Government Code, is amended to read as follows:

(b) The state jail division shall adopt a policy for handling a defendant with AIDS or HIV and shall [~~may~~] test a defendant for AIDS or HIV in the same manner and subject to the same conditions as apply to the institutional division under Section 501.054.

1 SECTION 3. This Act takes effect September 1, 2005.

David Suskunt

President of the Senate

Jim Cusick

Speaker of the House

I certify that H.B. No. 43 was passed by the House on May 9, 2005, by a non-record vote.

Robert Haney
Chief Clerk of the House

I certify that H.B. No. 43 was passed by the Senate on May 25, 2005, by the following vote: Yeas 31, Nays 0.

Daisy Saw
Secretary of the Senate

APPROVED: 18 JUNE '05

Date

RICK PERRY

Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
10:20 AM, 10:20 CLOCK
JUN 18 2005
Roger Williams
Secretary of State