

2015 Regular Session

HOUSE BILL NO. 191

BY REPRESENTATIVE COX

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

PAROLE: Provides relative to certain infectious disease testing of inmates released from state prison facilities

1 AN ACT

2 To enact R.S. 15:574.4.2(H) and to repeal R.S. 15:574.4.2(G)(5), relative to infectious
3 disease testing of certain persons being released from incarceration; to provide
4 relative to certain infectious disease testing of inmates being released because of
5 diminution of sentence; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 15:574.4.2(H) is hereby enacted to read as follows:

8 §574.4.2. Decisions of committee on parole; nature, order, and conditions of parole;
9 rules of conduct; infectious disease testing

10 * * *

11 H. All inmates being released from state-operated prison facilities and state
12 privately operated prison facilities shall be offered "opt out" testing for human
13 immunodeficiency virus (HIV), prior to release, unless the inmate is known to be
14 HIV positive or had a documented HIV test within the previous twelve months prior
15 to release. If the inmate tested pursuant to the provisions of this Subsection tests
16 positive for HIV, he shall be referred by the Department of Public Safety and
17 Corrections to the appropriate health care and support services. "Opt out" HIV
18 testing, consent, and appropriate referral processes shall be conducted in accordance
19 with the provisions of R.S. 40:1300.13.

20 Section 2. R.S. 15:574.4.2(G)(5) is hereby repealed in its entirety.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 191 Engrossed

2015 Regular Session

Cox

Abstract: Provides relative to infectious disease testing of inmates being released from state-operated prison facilities and state privately operated prison facilities.

Present law authorizes certain inmates to earn diminution of sentence (good time) for participation in certain programs and for good behavior, and provides that inmates who are released because of diminution of sentence for good behavior are released as if released on parole.

Present law provides that before placing a person on parole, the committee on parole shall require the person to submit to a test to determine whether he is infected with a sexually transmitted disease, acquired immune deficiency syndrome (AIDS), the human immunodeficiency virus (HIV), HIV-1 antibodies, or any other probable causative agent of AIDS and viral hepatitis.

Present law provides that this required infectious disease testing does not apply to inmates being released because of diminution of sentence.

Proposed law repeals the provision of present law relative to inmates being released because of diminution of sentence.

Proposed law further provides for the following:

- (1) All inmates being released, including those being released because of diminution of sentence, from state-operated prison facilities and state privately operated prison facilities shall be offered "opt out" testing for human immunodeficiency virus (HIV), prior to release, unless the inmate is known to be HIV positive or had a documented HIV test within the previous 12 months prior to release.
- (2) If the inmate tests positive for HIV, he shall be referred by the Dept. of Public Safety and Corrections to the appropriate health care and support services.
- (3) HIV testing, consent, and appropriate referral processes shall be conducted in accordance with present law "opt out" testing. (R.S. 40:1300.13)

(Adds R.S. 15:574.4.2(H); Repeals R.S. 15:574.4.2(G)(5))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill:

1. Delete the changes to present law which stated that mandatory testing would also apply to persons being released because of diminution of sentence (good time).
2. Add a provision that requires "opt out" testing for all inmates released from state prison facilities pursuant to the processes for testing, consent, and referral as provided in present law (R.S. 40:1300.13).