

RÉSUMÉ DIGEST

ACT 301 (HB 191)

2015 Regular Session

Cox

Existing 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.

Existing 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.

Prior law provided that this required infectious disease testing did not apply to inmates being released because of diminution of sentence.

New law repeals the provision of prior law relative to inmates being released because of diminution of sentence.

New 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 existing law "opt-out" testing. (R.S. 40:1300.13)

Effective August 1, 2015.

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