

D.H.  
Bac  
Klee

Chapter 255

AN ACT

relating to the testing of certain inmates for HIV or AIDS.

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

SECTION 1. Section 501.054, Government Code, is amended by amending Subsections (g) and (1) and adding Subsection (j) to read as follows:

(g) The department shall maintain the confidentiality of test results of an inmate indicating HIV infection at all times, including after the inmate's discharge, release from a state jail, or release on parole or mandatory supervision. The department ~~and~~ may not honor the request of an agency of the state or any person who requests a test result as a condition of housing or supervising the inmate while the inmate is on community supervision or parole or mandatory supervision, unless honoring the request would improve the ability of the inmate to obtain essential health and social services.

(1) The department ~~[institutional division]~~ may test an inmate confined in a facility operated by the correctional institutions division for human immunodeficiency virus at any time, but must test:

(1) during the diagnostic process, an inmate for whom the department does not have a record of a positive test result; and

(2) an inmate who is eligible for release before the inmate is released from the division.

S.B. No. 453

1           (j) If the department [~~institutional division~~] determines  
2 that an inmate has a positive test result, the department  
3 [~~division~~] may segregate the inmate from other inmates. The  
4 department [~~institutional division~~] shall report the results of a  
5 positive test to the Department of State Health Services for the  
6 purposes of notification and reporting as described by Sections  
7 81.050-81.052, Health and Safety Code.

8           SECTION 2. Subsection (1), Section 501.054, Government  
9 Code, as amended by this Act, applies only to an inmate with respect  
10 to whom the Texas Department of Criminal Justice begins the  
11 diagnostic process on or after the effective date of this Act. An  
12 inmate with respect to whom the department begins the diagnostic  
13 process before the effective date of this Act is governed by the law  
14 in effect at the time the department began the diagnostic process,  
15 and the former law is continued in effect for that purpose.

16           SECTION 3. This Act takes effect immediately if it receives  
17 a vote of two-thirds of all the members elected to each house, as  
18 provided by Section 39, Article III, Texas Constitution. If this  
19 Act does not receive the vote necessary for immediate effect, this  
20 Act takes effect September 1, 2007.

KAC  
JAE

S.B. No. 453

David Dewhurst  
President of the Senate

Tom Craddick  
Speaker of the House

I hereby certify that S.B. No. 453 passed the Senate on April 30, 2007, by the following vote: Yeas 31, Nays 0.

Patsy Spaw  
Secretary of the Senate

I hereby certify that S.B. No. 453 passed the House on May 11, 2007, by the following vote: Yeas 125, Nays 9, two present not voting.

Robert Haney  
Chief Clerk of the House

Approved:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
8:30 P.M. O'CLOCK

MAY 26 2007

Roger Williams  
Secretary of State



OFFICIAL MEMORANDUM  
STATE OF TEXAS  
OFFICE OF THE GOVERNOR  
MESSAGE

I am allowing Senate Bill No 453 to become law without my signature I believe the fiscal note for the bill is deeply flawed and misleading and did not provide legislators with proper notice of the true cost of the legislation to the state

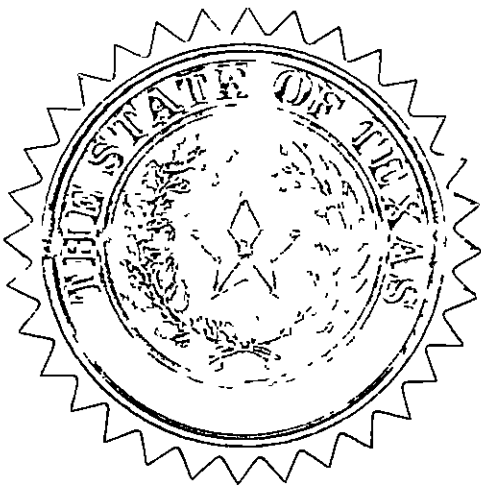
The legislature relies on fiscal notes to provide information regarding the costs of legislation Unfortunately, more and more fiscal notes simply state that "no significant fiscal implication to the state is anticipated "

To the extent that such conclusion is based on inaccurate or incomplete information from agencies, we need to work with the leadership of our agencies to demand better If other factors are to blame, we need to address those

It is astonishing that the fiscal note for S B No 453 prepared by the Legislative Budget Board fails to detail a single cost associated with the implementation of the bill The fiscal note fails to disclose that the cost of a basic screening test during the diagnostic process is \$9 20 per test The fiscal note fails to consider that the cost of antiretroviral drug treatment for an inmate who tests positive for the human immunodeficiency virus is \$13,685 per treatment The fiscal note fails to indicate that 7,000 to 14,000 inmates per year will be tested under the provisions of the bill In the end, the fiscal note fails to disclose that the true total cost to the state of the bill is expected to be between \$390,000 to \$790,000 per year

The public, members of the legislature, and I deserve to know the true costs of bills Then, and only then, can each of us make our own determination as to whether the fiscal impact to the state is significant Then, and only then, can we know the aggregate cost of legislation

I will continue looking at the fiscal notes of legislation and, in the future, I will not hesitate to withhold my approval of bills with this type of inadequate fiscal note



IN TESTIMONY WHEREOF, I  
have signed my name officially  
and caused the Seal of the State  
to be affixed hereto at Austin,  
this 26th day of May, 2007

*Rick Perry*

RICK PERRY  
Governor of Texas

ATTESTED BY

*Roger Williams*

ROGER WILLIAMS  
Secretary of State

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
8:30pm O'CLOCK

MAY 26 2007