

HOUSE BILL No. 1645

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-38-1-24.

Synopsis: HIV testing of inmates. Requires a court that grants a sentence reduction or suspension to a convicted person under certain circumstances to undergo a screening test for the human immunodeficiency virus (HIV) before the person who receives the sentence reduction or suspension may be released from a correctional facility. Requires that whenever a test confirms the presence of HIV antibodies, the court shall notify the convicted person and order that the results be reported to the state department of health. Requires the state department of health to submit an annual report to the governor, legislative council, and department of correction regarding: (1) the prevalence of acquired immune deficiency syndrome (AIDS) and HIV
(Continued next page)

Effective: July 1, 1999.

Harris, Becker, Budak, Pelath

January 21, 1999, read first time and referred to Committee on Courts and Criminal Code.

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Digest Continued

in persons in correctional facilities in Indiana who receive the sentence reductions or suspensions; and (2) current treatments for AIDS and HIV offered by the department of correction and suggestions for improvements.

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Introduced

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

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HOUSE BILL No. 1645

A BILL FOR AN ACT to amend the Indiana Code concerning corrections.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 35-38-1-24 IS ADDED TO THE INDIANA CODE
2 AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY
3 1, 1999]: **Sec. 24. (a) Whenever a court grants a sentence reduction**
4 **or suspension under section 17 or 23 of this chapter, the court shall**
5 **order the person to undergo a screening test for the human**
6 **immunodeficiency virus (HIV) before the person who receives the**
7 **sentence reduction or suspension is released from a correctional**
8 **facility.**
9 (b) **If the screening test required under subsection (a) indicates**
10 **the presence of HIV antibodies, the court shall order the person to**
11 **undergo a confirmatory test. If the confirmatory test confirms the**
12 **presence of HIV antibodies, the court shall:**
13 (1) **notify the convicted person of the results; and**
14 (2) **order that the results, with protection for the identity of**
15 **the convicted person, be reported to the state department of**



1 **health.**
2 (c) The testing under subsection (a) may be conducted at the
3 department of correction, or the department may arrange for a
4 local clinic or hospital to conduct the testing. The department of
5 correction shall pay for the testing.
6 (d) Beginning in 2000, the state department of health shall
7 submit a report that contains data received under subsection (b)
8 to:
9 (1) the governor;
10 (2) the legislative council; and
11 (3) the department of correction.
12 The report must be submitted not later than November 1 of each
13 year.
14 (e) The report under subsection (d) must also address:
15 (1) the prevalence of acquired immune deficiency syndrome
16 (AIDS) and HIV in persons incarcerated in facilities in
17 Indiana who receive sentence reductions or suspensions under
18 section 17 or 23 of this chapter; and
19 (2) current treatments for AIDS and HIV offered by the
20 department of correction and suggestions for improvements.

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