

Senate Bill 386

By: Senators Reed of the 35th, Butler of the 55th, Seay of the 34th, Orrock of the 36th, Tate of the 38th and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 3 of Chapter 5 of Title 42 of the Official Code of Georgia Annotated,
2 relating to conditions of detention generally, so as to provide that certain incarcerated persons
3 shall be tested for HIV and hepatitis prior to discharge; to provide for notice; to provide for
4 counseling; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Article 3 of Chapter 5 of Title 42 of the Official Code of Georgia Annotated, relating to
8 conditions of detention generally, is amended by adding a new Code section to read as
9 follows:

10 "42-5-52.2.

11 (a) Any person who has been in the custody of a penal institution for one year or longer
12 and who has not previously tested positive for HIV shall submit to an HIV test between 60
13 and 120 days prior to the expected date of discharge from the facility.

14 (b) Any person who has been in the custody of a penal institution for one year or longer
15 and who has not previously tested positive for hepatitis shall submit to a hepatitis test
16 between 60 and 120 days prior to the expected date of discharge from the facility.

17 (c) Each person tested as provided in subsections (a) and (b) of this Code section shall be
18 notified of the results of such testing in writing prior to his or her discharge. Any person
19 testing positive for HIV or hepatitis, and any person who has previously tested positive for
20 either such condition, shall be given counseling relating to living with such condition after
21 release from incarceration. The Department of Corrections is directed to provide the
22 requirements of such counseling.

23 (d) The provisions of this Code section shall not be construed to limit the provision for
24 HIV testing in Code Section 42-9-42.1."

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SECTION 2.

2 All laws and parts of laws in conflict with this Act are repealed.