

Senate Bill 64

By: Senators Reed of the 35th, Butler of the 55th, Tate of the 38th, Unterman of the 45th,
Sims of the 12th and others

AS PASSED SENATE

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, subject to appropriations
3 or funding, certain incarcerated persons shall be tested for HIV prior to discharge; to provide
4 for notice; to provide for 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) Subject to appropriations by the General Assembly or other funding made available to
12 the department for such purposes, any person who has been in the custody of a penal
13 institution for one year or longer and who has not previously tested positive for HIV shall
14 submit to an HIV test between 60 and 120 days prior to the expected date of discharge from
15 the facility.

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

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

24

SECTION 2.

25 All laws and parts of laws in conflict with this Act are repealed.