

The House Committee on State Institutions & Property offers the following substitute to SB 64:

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 prior to release; to provide for notice and counseling; to require the  
4 Department of Corrections to seek funding for such HIV testing program; to provide for a  
5 definition; to provide for related matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

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

11 "42-5-52.2.

12 (a) For purposes of this Code section, 'HIV' means HIV as defined by Code Section  
13 31-22-9.1.

14 (b) The department shall implement an HIV testing program whereby any state inmate  
15 who has been in the custody of a state penal institution for one year or longer and who has  
16 not previously tested positive for HIV shall be tested for HIV within 30 days prior to his  
17 or her expected date of release from the custody of the department.

18 (c) Each person tested as provided in subsection (b) of this Code section shall be notified  
19 by the department in writing of the results of such testing prior to his or her release. Prior  
20 to the release of any person testing positive for HIV, the appropriate information as  
21 required by Code Sections 24-9-47 and 31-22-9.2 or other law shall be provided by the  
22 department to the Department of Human Resources. Prior to the release of any person  
23 testing positive for HIV, the department shall also provide to such person in writing contact  
24 information regarding medical, educational, and counseling services available through the  
25 Department of Human Resources. Any person testing positive for HIV shall be provided

26 instruction relating to living with HIV, the prevention of the spread of such virus, and the  
27 legal consequences of infecting unknowing partners.

28 (d) The department shall seek state and federal grants or other possible sources of revenue  
29 for the purpose of funding a program of HIV testing authorized by this Code section. In  
30 addition, the department is authorized to accept gifts, subject to the approval of the board,  
31 for the purpose of funding such program.

32 (e) The department shall consolidate inmates who have tested positive for HIV in a manner  
33 that most efficiently provides education, counseling, and treatment for such persons.

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

36 **SECTION 2.**

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