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HOUSE BILL NO. 1662

Offered January 12, 2011

Prefiled January 10, 2011

A *BILL to amend the Code of Virginia by adding a section numbered 53.1-33.1, relating to prisoners; mandatory testing for HIV.*

Patron—Alexander (By Request)

Referred to Committee on Militia, Police and Public Safety

Be it enacted by the General Assembly of Virginia:**1. That the Code of Virginia is amended by adding a section numbered 53.1-33.1 as follows:**

§ 53.1-33.1. Mandatory testing for human immunodeficiency virus.

A. Each person received by the Department for whom the Department does not have a record of a test result indicating infection with human immunodeficiency virus shall be required to submit to testing for infection with human immunodeficiency virus upon arrival, prior to release, and at such other times thereafter as may be deemed necessary. Prior to administering the required test, the Department shall counsel the prisoner about the purpose of the test, human immunodeficiency virus and acquired immunodeficiency syndrome, and the transmission and prevention of infection with human immunodeficiency virus.

B. If a test indicates that a prisoner is infected with human immunodeficiency virus, the results shall be confirmed by a second test. If a second test confirms that a prisoner is infected with human immunodeficiency virus, the Department shall provide access to counseling, health care, and support services for the prisoner.

C. The Director may remove a prisoner who has been found to be infected with human immunodeficiency virus from a facility and transfer such prisoner to another facility or place where the prisoner may be safely kept and treated upon application of the person in charge of any state correctional facility made in response to a written request of a physician at the facility stating that a prisoner's continued presence at the facility constitutes a health risk. A prisoner transferred pursuant to this subsection shall remain at the facility or place to which he was transferred until such time as the health risk has been abated or the term of the prisoner's imprisonment has expired.

D. The Department shall not release the results of any test for human immunodeficiency virus of any prisoner to any person other than the prisoner or as provided in § 32.1-36 or otherwise required or authorized by law.

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