

## **Department of Planning and Budget 2011 Fiscal Impact Statement**

**1. Bill Number: SB 1258**

House of Origin	<input type="checkbox"/>	Introduced	<input type="checkbox"/>	Substitute	<input type="checkbox"/>	Engrossed
Second House	<input type="checkbox"/>	In Committee	<input type="checkbox"/>	Substitute	<input checked="" type="checkbox"/>	Enrolled

**2. Patron: Vogel**

**3. Committee: Passed both houses**

**4. Title: HIV testing of inmates**

**5. Summary:**

The proposed legislation would require the Department of Corrections (DOC) to offer to test each inmate, who does not have a history of a positive test result, for HIV infection with 60 days of his or her scheduled discharge from a DOC correctional facility. Any inmate may choose not to be tested.

**6. Budget Amendment Necessary: No.**

**7. Fiscal Impact Estimates: Final. See Item 8.**

**8. Fiscal Implications:**

The Department of Corrections currently will test an inmate for HIV only if the inmate requests it or if there is any clinical indication of HIV. Testing inmates routinely before they are discharged will result in additional cost to the agency. Because the testing is voluntary on the part of the inmate, it is not possible to determine the amount of the additional cost. It is, however, possible to project the maximum amount of additional cost that could be incurred by the agency. It is anticipated the agency can absorb even the maximum possible additional cost in its existing appropriation.

There are two basic tests used in testing for HIV infection. The first is a screening test called the EIA. If an EIA test indicates the presence of HIV in a person, a follow-up test, the Western Blot, is administered to confirm the initial indication. In projecting the total possible additional costs, a major uncertainty is how many inmates would test positive on the first test and thus be administered the second, confirming, test.

The Bureau of Justice Statistics of the U.S. Department of Justice publishes data on the incidence of HIV in state prisons. In 2008, of those states that tested inmates for HIV either while in custody or upon release, the percentage of inmates reported to be HIV positive ranged from 0.4 percent to 3.5 percent. The median percentage was about 1.0 percent. Therefore, for purposes of this fiscal impact analysis, it is assumed that one percent of the

inmates administered the EIA test would test positive and would be administered the Western Blot confirmation test.

The following table shows the projected cost of testing all inmates leaving DOC facilities in FY 2010:

Test	Number tested	Cost per test	Total Cost
EIA	7,952	\$3.65	\$29,025
Western Blot	80	\$49.34	\$3,947
Total			\$32,972

**9. Specific Agency or Political Subdivisions Affected:** Department of Corrections

**10. Technical Amendment Necessary:** None.

**11. Other Comments:** Identical to HB 1688.

**Date:** 2/16/2011

**Document:** G:\LEGIS\Fis-11\Sb1258er.Doc Dick Hall-Sizemore