

By Senator Miller

21-342-01

1                                   A bill to be entitled  
2           An act relating to state inmates; amending s.  
3           944.024, F.S.; requiring human immunodeficiency  
4           virus testing as part of the process of intake  
5           to the state corrections system; requiring the  
6           Department of Corrections to provide treatment  
7           to persons testing positive for HIV; limiting  
8           placement of such persons; requiring HIV  
9           testing of inmates before their release from  
10          incarceration; requiring treatment of HIV  
11          infection to be included among conditions of  
12          parole, conditional release, or control release  
13          under ch. 947, F.S.; amending s. 947.175, F.S.;  
14          requiring notification to the county health  
15          department before the release of an inmate with  
16          HIV; providing an effective date.

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18 Be It Enacted by the Legislature of the State of Florida:

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20           Section 1. Subsection (5) of section 944.024, Florida  
21          Statutes, is amended to read:

22           944.024 Adult intake and evaluation.--The state system  
23          of adult intake and evaluation shall include:

24           (5) The performance of postsentence intake by the  
25          department. Any physical facility established by the  
26          department for the intake and evaluation process prior to the  
27          offender's entry into the correctional system shall provide  
28          for specific office and work areas for the staff of the  
29          commission. The purpose of such a physical center shall be to  
30          combine in one place as many of the rehabilitation-related  
31          functions as possible, including pretrial and posttrial

1 evaluation, parole and probation services, vocational  
2 rehabilitation services, family assistance services of the  
3 Department of Children and Family Services, and all other  
4 rehabilitative and correctional services dealing with the  
5 offender. Upon commitment of the offender to the department,  
6 the department must test the offender for the human  
7 immunodeficiency virus. An offender may not be transferred to  
8 another institution in the correctional system from the  
9 facility at which intake is conducted before the department  
10 knows the test results.

11 Section 2. When a person committed to the Department  
12 of Corrections has tested positive for the human  
13 immunodeficiency virus, the department must provide treatment  
14 for that inmate and must place the inmate so that he or she  
15 does not come into direct contact with inmates who are not  
16 infected with the human immunodeficiency virus.

17 Section 3. Before an inmate who has not previously  
18 been identified as infected with the human immunodeficiency  
19 virus is released from incarceration by the Department of  
20 Corrections, the department must test that person for the  
21 virus.

22 Section 4. When an inmate who is infected with the  
23 human immunodeficiency virus is released from incarceration  
24 due to parole, conditional release, or control release under  
25 chapter 947, Florida Statutes, it shall be a condition of  
26 release that the inmate seek and receive treatment for the  
27 virus.

28 Section 5. Section 947.175, Florida Statutes, is  
29 amended to read:

30 947.175 Notice to local agencies.--  
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1           (1) The Parole Commission shall, upon establishing the  
2 effective parole release date of an inmate, notify the county  
3 law enforcement agency in the county in this state in which  
4 the inmate is scheduled to be released and any other criminal  
5 justice agency which, in writing, requests the commission to  
6 provide such notice. If the inmate has tested positive for the  
7 human immunodeficiency virus, the commission shall also notify  
8 the county health department for the county in which the  
9 inmate is scheduled to be released.

10           (2) The department shall, at least 10 days before the  
11 anticipated date of release on work release of an inmate,  
12 notify the county law enforcement agency in the county in this  
13 state in which the inmate is scheduled to be released. If the  
14 inmate has tested positive for the human immunodeficiency  
15 virus, the department shall also notify the county health  
16 department for the county in which the inmate is scheduled to  
17 be released.

18           (3) Upon request, the department shall within 30 days  
19 notify the state attorney, the victim, or the personal  
20 representative of the victim when an inmate is approved for  
21 community work release.

22           Section 6. This act shall take effect October 1, 2001.

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25           SENATE SUMMARY

26           Requires persons entering the state correctional system  
27 to be tested for the human immunodeficiency virus, with  
28 those testing positive receiving treatment and being  
29 placed so that they will not come into contact with  
30 inmates not having the virus. Requires testing of inmates  
31 upon release. When an inmate who tests positive is  
released, treatment is a condition of his or her parole,  
and the county health department of the county into which  
he or she is to be released must be notified.