

By: Representatives Dickson, Ellis,  
Fredericks, Holloway, Myers, Perkins

To: Corrections

HOUSE BILL NO. 994

1 AN ACT TO REQUIRE THE DEPARTMENT OF CORRECTIONS, IN  
2 CONSULTATION WITH THE MISSISSIPPI STATE DEPARTMENT OF HEALTH, TO  
3 DEVELOP AN HIV/AIDS PREVENTION EDUCATION PROGRAM FOR OFFENDERS AND  
4 OTHERS; TO REQUIRE THE DEPARTMENT OF CORRECTIONS TO OFFER HIV/AIDS  
5 TESTING OF PERSONS UPON ADMISSION TO THE DEPARTMENT AND  
6 IMMEDIATELY BEFORE THE RELEASE OF SUCH PERSON; AND FOR RELATED  
7 PURPOSES.

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

9 **SECTION 1.** (1) The Mississippi Department of Corrections  
10 (MDOC), in consultation with the State Department of Health, shall  
11 develop and implement an HIV/AIDS prevention education program  
12 targeted to offenders incarcerated in Department of Corrections'  
13 facilities, significant others, and family of adult and juvenile  
14 prison inmates. Through this program, the Mississippi Department  
15 of Corrections shall:

16 (a) Provide, in all public waiting rooms of detention  
17 facilities and prisons, printed information on the transmission  
18 and prevention of HIV/AIDS, hepatitis C, and other sexually  
19 transmitted diseases and referral information to community-based  
20 providers of HIV/AIDS prevention, HIV/AIDS treatment, and HIV/AIDS  
21 counseling and testing services throughout Mississippi;

22 (b) Display in all public waiting rooms of detention  
23 facilities and prisons and HIV/AIDS informational video, produced  
24 by a national organization with expertise in HIV/AIDS prevention;

25 (c) Provide written information on the transmission and  
26 prevention of HIV/AIDS, hepatitis C, and other sexually  
27 transmitted diseases to all inmates upon entrance to a detention  
28 center or prison and offer voluntary HIV/AIDS testing to all  
29 inmates; and

30 (d) Provide written information on the transmission and  
31 prevention of HIV/AIDS, hepatitis C, and other sexually  
32 transmitted diseases to all inmates just prior to their release  
33 from custody and referral to appropriate community-based  
34 organizations that provide HIV/AIDS services and HIV/AIDS  
35 counseling and testing.

36 (2) Upon admission of a committed person to a MDOC facility  
37 and immediately prior to release of that person, the committed  
38 person shall be offered by MDOC a test for HIV/AIDS. Each  
39 committed person offered the HIV/AIDS test shall sign a statement  
40 that he or she was offered the test and either agreed to its  
41 administration or declined the test. If the committed person is  
42 unable to sign the statement because of illiteracy or physical  
43 impairment, the committed person shall be informed orally of the  
44 offer and shall make an oral acknowledgement of whether he or she  
45 will take the test. This acknowledgment shall be signed by an  
46 employee of the MDOC facility in which the person is committed.  
47 All statements and acknowledgments shall be part of the committed  
48 person's master record file. Prior to the release of any inmate  
49 who has documented history of intravenous drug use, and upon the  
50 receipt of that inmate's written informed consent, MDOC shall  
51 provide for the testing of such inmate for infection with human  
52 immunodeficiency virus (HIV) and any other identified causative  
53 agent of acquired immunodeficiency syndrome (AIDS). The testing  
54 provided under this section shall consist of an enzyme-linked  
55 immunosorbent assay (ELISA) test or such other test as may be  
56 approved by the Mississippi Department of Public Health. If the  
57 test result is positive, the Western Blot Assay or more reliable  
58 confirmatory test shall be administered. Each committed person  
59 shall, with his or her consent, be provided with HIV/AIDS  
60 counseling. If the test result is positive, the committed person  
61 shall receive medical care for the infection paid by the  
62 department. The department shall develop a specialized discharge

63 plan for committed person who test positive for HIV/AIDS. The  
64 department, in consultation with the Department of Public Health  
65 and Prisoner Review Board, shall provide community reentry  
66 services for committed persons who test positive for HIV/AIDS.

67 (3) One (1) year after the implementation of this act, the  
68 Mississippi Department of Corrections shall report to the  
69 Legislature on the effectiveness of the program created by this  
70 act in increasing voluntary HIV/AIDS testing.

71 **SECTION 2.** This act shall take effect and be in force from  
72 and after July 1, 2007.