

- SUBJECT:** Requiring testing of certain defendants for communicable diseases
- COMMITTEE:** Corrections — committee substitute recommended
- VOTE:** 7 ayes — Murphy, J. White, Allen, Keough, Krause, Schubert, Tinderholt
0 nays
- WITNESSES:** For — Lynn Holt; (*Registered, but did not testify:* David Fugitt, Austin Police Department; Seth Mitchell, Bexar County Commissioners Court; Jim Allison, County Judges and Commissioners Association of Texas; Craig Pardue, Dallas County; Susan Redford, Ector County, Texas; Bobby Gutierrez and Kirsha Haverlah, Justices of the Peace and Constables Association of Texas; Mark Mendez, Tarrant County Commissioners Court; Rick Thompson, Texas Association of Counties; Donald Lee, Texas Conference of Urban Counties; Melinda Smith, the Combined Law Enforcement Associations of Texas; Conrad John, Travis County Commissioners Court)

Against — None

On — (*Registered, but did not testify:* Jill Mata, Texas Juvenile Justice Department)
- BACKGROUND:** Code of Criminal Procedure, art. 18.22 requires testing for communicable disease of anyone who was arrested for a felony or misdemeanor and who, during the offense or arrest, causes a peace officer to come in contact with the person's bodily fluids.
- DIGEST:** CSHB 1595 would expand the circumstances surrounding an offense or an arrest for an offense that could result in mandatory testing for communicable diseases. Testing would be required if a person caused bodily fluids to come in contact with a magistrate or correctional facility employee during a judicial proceeding, an initial period of confinement following an arrest, or confinement after a conviction or adjudication resulting from the arrest.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2015, and would apply to motions by a court or requests by those involved made on or after that date.

**SUPPORTERS
SAY:**

CSHB 1595 would be a logical extension of current law that mandates testing of those involved in the criminal justice system who expose peace officers to bodily fluids that may carry communicable diseases. The bill would give magistrates and correctional facility employees the same right as peace officers to know whether they had been exposed to a communicable disease in the course of doing their jobs.

Problems have arisen when magistrates or jailers were exposed to others' bodily fluids but there was no requirement to have the defendant tested. For example, a jailer came into contact with blood and other fluids while taking a person's fingerprints. Because the jailer was not a peace officer, the court had no authority to order testing automatically. Magistrates can encounter similar situations as they sit just a few feet from arrestees in courtrooms. While testing eventually might be ordered in such cases, it can be a time-consuming process involving a court when time might be of the essence.

CSHB 1595 would address this problem by allowing testing to be ordered in connection with an expanded group of criminal justice officials who are in close contact with arrestees. The bill would give magistrates and correctional facility employees the same protection as peace officers. These personnel put themselves at risk to protect society and should have the basic protection of knowing whether they had been exposed to communicable diseases.

**OPPONENTS
SAY:**

No apparent opposition.