S T A T E O F N E W Y O R K

6581

2009-2010 Regular Sessions

I N A S S E M B L Y

March 6, 2009

Introduced by M. of A. BURLING, ERRIGO, CALHOUN, FINCH, GIGLIO, WALKER -- Multi-Sponsored by -- M. of A. FITZPATRICK, KOLB, McDONOUGH, McKEVITT -- read once and referred to the Committee on Correction

AN ACT providing for a survey of state correctional facility inmates for the purpose of determining the presence of acquired immune deficiency syndrome and related health factors; and making an appropriation therefor

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The commission of correction is hereby authorized to conduct, or cause to be conducted, a survey of persons committed to the custody of the department of correctional services for the purpose of determining the presence of the HTLV-III virus and the subsequent contraction of acquired immune deficiency syndrome among such persons.

S 2. The survey shall test each person committed to the custody of the department of correctional services for a period of one year, the period to start not later than September 1, 2009. In addition the survey shall provide for the annual re-testing as necessary and an inspection of departmental health records of all persons initially tested for so long as they remain committed to the department, for a period of up to six years.

S 3. The commission of correction shall report annually to the legislature, the governor and the commissioners of correctional services and health on the findings of the survey. The reports shall include, but shall not be limited to, the absolute numbers and proportion of the total initial test population in which the HTLV-III virus is present; the absolute numbers and proportion of the annual re-tested population which show the presence of the HTLV-III virus for the first time, and the numbers and proportion of the test population in which departmental health officials diagnose symptoms of acquired immune deficiency syndrome.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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S 4. The results of the survey shall be used by the commission of correction and the commissioners of correctional services and health to draw whatever conclusions may be logically valid about the incidence of the HTLV-III virus in persons committed to state correctional facilities and the incidence of acquired immune deficiency syndrome among that category of persons, and to use those conclusions to further the safe operation of the state's correctional facilities.

S 5. The commission of correction shall create guidelines for the survey which shall insure that the results of each individual test are not disclosed to persons other than those being tested and those conducting the survey.

S 6. The sum of five hundred thousand dollars ($500,000), or so much thereof as may be necessary, is hereby appropriated from any moneys in the state treasury in the general fund to the credit of the state purposes account, not otherwise appropriated, and made immediately available to the commission of correction for its expenses, including personal service, in carrying out the provisions of this act. Such moneys shall be payable out of the state treasury on the audit and warrant of the comptroller on vouchers certified or approved by the chairman of the commission of correction or by an officer or employee of the commission of correction designated by the chairman.

S 7. This act shall take effect immediately.