Honorable Morris Thigpen
Commissioner
Department of Corrections
101 South Union Street
Montgomery, Alabama 36130

Department of Corrections -
Prison and Prisoners -
Diseases - A.I.D.S

Inmates placed on the S.I.R. program must be tested for sexually transmitted diseases thirty days prior to their placement on the program.

Dear Commissioner Thigpen:

You have requested an opinion from this office which opinion request reads as follows:

"Act 87-574, which becomes effective September 23, 1987, requires Department of Corrections to test for AIDS all inmates coming into Department of Corrections in the previous 30 days.

Question 1: Does this act require that Department of Corrections test for AIDS inmate now participating in the S.I.R. Program?

Question 2: If testing for AIDS of S.I.R. inmates is
required, is the testing to be done prior to the inmate's going out on the S.I.R. Program?

Section 17 of Act 87-574, Acts of Alabama 1987, provides in part as follows:

"(1) All persons sentenced to confinement or imprisonment in any city or county jail or any state correctional facility shall be tested for those sexually transmitted diseases designated by the state board of health, upon entering the facility, and any inmate so confined for more than ninety days shall be examined for those sexually transmitted diseases thirty days before release. The results of any positive or reactive tests shall be reported as provided in Section 14."

In answer to your first question, Act 87-574 does not require testing of all inmates presently in the custody of the Alabama Department of Corrections. Act 87-574 thus does not require the Department to test inmates currently on the S.I.R. program.

In answer to your second question, the intent of Act 87-574 seems to be to test inmates for sexually transmitted diseases prior to their release back to the general population. Since inmates placed on the S.I.R. program are placed back in the general population it would be the opinion of this office that those inmates must be tested thirty days prior to their placement on the S.I.R. program.
I hope I have fully answered your inquiry with regard to these matters.

Sincerely,

DON SIEGELMAN
ATTORNEY GENERAL
By:

JACK M. CURTIS
ASSISTANT ATTORNEY GENERAL

DS/JMC/vj