

Department of Fiscal Services
Maryland General Assembly

FISCAL NOTE

Senate Bill 754 (Senator Stone)
Rules

Law Enforcement Officers - HIV Testing of Individuals Arrested

This bill provides a procedure by which an arrestee can be compelled to provide a blood sample for HIV testing.

Fiscal Summary

State Effect: Potential minimal increase in general fund expenditures. No effect on revenues.

Local Effect: None, as described below.

Fiscal Analysis

Background: The availability of court orders to obtain blood samples varies among jurisdictions within the State. In many jurisdictions, there is no procedure for a law enforcement officer to request an HIV test of an arrestee. This bill would establish a uniform procedure whereby judges can order local health officers to perform HIV testing on an arrestee when the requesting officer was exposed to the arrestee's bodily fluids. The AIDS Administration charges no fee for the test under current law, and no fee is imposed by this bill.

State Expenditures: The AIDS Administration estimates its expenditures would increase by \$154,000 in fiscal 1997 to perform over 6,300 new HIV tests annually. This estimate includes \$44,000 in lab work and \$110,000 for staff to process the tests and provide counseling required by the bill.

The Department of Fiscal Services advises that this estimate, based on arrest statistics, may significantly overestimate the number of additional tests that will be performed by the State. Baltimore City currently contracts with a local hospital for these tests, Baltimore County

reports only two tests ordered, Frederick County recently had its first request, and other counties report few or no requests for testing. In addition, no court reported denying a request from a law enforcement officer that an arrestee be tested for HIV. As a result, any such increase is expected to be minimal.

While the bill could result in more court hearings, the increase is not expected to have fiscal impact on the Judiciary.

Local Effect: Circuit courts in different counties have different rules for obtaining blood samples from arrestees at the request of law enforcement officers. Most jurisdictions that responded to Fiscal Services' request for information indicated that they had no procedure for these cases. One judge indicated he would simply issue a court order requiring the sample, and another court indicated it had made such orders in the past. Baltimore City advised that its circuit court judges issue search warrants to obtain a blood sample which is then processed by a local hospital. No court reported denying a request for lack of procedures or any other reason.

Information Source(s): Judiciary (Administrative Office of the Courts); Department of Health and Mental Hygiene (AIDS Administration); Maryland State Police; Caroline and Prince George's counties; Baltimore City; Clerks of Court of Allegany, Baltimore, Calvert, Caroline, Carroll, Cecil, Charles, Dorchester, Frederick, Garrett, Harford, Howard, Kent, Montgomery, Prince George's, Queen Anne's, St. Mary's, Washington, Wicomico and Worcester counties; Department of Fiscal Services

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