

FISCAL NOTE TO  
ASSEMBLY, No. 105  
**STATE OF NEW JERSEY**

DATED: AUGUST 2, 1996

Assembly Bill No. 105 of 1996 provides for mandatory AIDS testing of persons convicted of aggravated sexual assault or sexual assault. The defendant and the victim would be informed of the test results. Positive test results would become part of the convicted person's criminal record but could not be disclosed except to persons in the criminal justice system on a need-to-know basis. The bill also provides that a person convicted of a second or subsequent offense of aggravated sexual assault or sexual assault who knew at the time of the commission of the offense that he had AIDS or HIV infection could be sentenced to an extended term.

The Department of Corrections notes that in FY1993, 423 adult offenders were committed to the department for sexual offenses as defined under this legislation. Assuming that this number remains constant, the department estimates that it would incur a cost of \$1,692 each year (\$4.00 per inmate) for initial testing to test these inmates. Assuming 9 percent or 38 of those tested test positive, a confirmatory test would be required, costing the department another \$152, for a total first-year testing cost of \$1,844. After the initial testing procedure, those inmates who test positive must undergo more extensive testing every six months (\$27.00 per test) to monitor the progress of the disease and to determine the drug therapy required, for an annual department cost of \$2,052, and a total departmental testing cost of \$3,896.

The department further states that the testing will result in an additional known HIV population of 38 inmates annually. Of that number, 30 percent, or 11 inmates would require AZT drug therapy at an annual cost of \$2,500 per inmate, and 10 percent or 4 inmates would require the AP drug treatment at an annual cost of \$2,600 per inmate. Thus, the total drug therapy costs would be \$37,900 and the total departmental cost would be \$41,796.

The department also states that as of April 27, 1996, a private entity, Correctional Medical Services (CMS) has taken over the responsibility for the health care of all departmental inmates. CMS will be paid an annual fee for each inmate, which will include all medical care, including AIDS testing and treatment. Since this service is already a condition of the contract, the additional cost of this legislation would be absorbed by CMS.

In addition to the cost of testing and treating HIV positive inmates, the department notes that the bill would result in increased incarceration lengths, and ultimately require additional bedspaces in

the State's institutions. However, since current sentencing laws require repeat offenders convicted for the crimes outlined in this legislation to serve mandatory minimum sentences of five years, the bill will have no bedspace impact on the department for five years.

The Office of Legislative Services (OLS) notes that even without the mandatory testing, the department would be required to administer drug therapy to inmates once they begin to show symptoms of the disease. In addition, the OLS notes that the semi-annual testing will increase as the number of tested HIV positive inmates increases. No data were provided by the department about the number of inmates convicted of aggravated sexual assault or sexual assault who are repeat offenders and who would incur extended terms.

This fiscal note has been prepared pursuant to P.L.1980, c.67.