

DEPARTMENT: County Counsel BY: Jeffrey G. Green PHONE: 966-3222

RECOMMENDED ACTION AND JUSTIFICATION: (Policy Item: Yes ___ No X)

Pass and adopt the Resolution attached hereto that requires HIV testing of inmates, as deemed appropriate by the County Health Officer. Penal Code sections 7500 et seq. allows HIV testing of inmates when requested by law enforcement personnel or a fellow inmate if such a request is approved by the chief medical officer (Health Officer). These sections became inoperative after July 1, 1994, however, SB 728 extended the operation of this program until July 1, 1999 only if the County adopts a Resolution ratifying the provisions of Penal Code sections 7500 et seq.

The District Attorney, Sheriff, and Health Officer all agree that the adoption of such a Resolution would be beneficial and important to law enforcement personnel and the people of Mariposa County.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

None on this action.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

- Adopt Resolution as drafted.
- Do not adopt Resolution. The provisions of Penal Code sections 7500 et seq. would remain inoperative.

COSTS: (X) Not Applicable

A. Budgeted current FY \$ _____

B. Total anticipated costs \$ _____

C. Required additional funding \$ _____

D. Internal transfers \$ _____

SOURCE: () 4/5ths Vote Required

A. Unanticipated revenues \$ _____

B. Reserve for contingencies \$ _____

C. Source description: _____

Balance in Reserve for Contingencies, if approved: \$ _____

SPECIAL INSTRUCTIONS:
List the attachments and number the pages consecutively:

Resolution.
Memo to Christene Johnson from DA Association.
Memo from Undersheriff Pelk Richards.

CLERK'S USE ONLY:

Res. No.: 15-198 Ord. No. _____

Vote - Ayes: _____ Noes: _____

Absent: _____ Abstained: _____

Approved () Denied ()

Minute Order Attached () No Action Necessary

The foregoing instrument is a correct copy of the original on file in this office.

Date: _____

ATTEST: MARGIE WILLIAMS, Clerk of the Board
County of Mariposa, State of California

By: _____
Deputy

ADMINISTRATIVE OFFICER'S RECOMMENDATION:
This item on agenda as:

Recommended

Not Recommended

For Policy Determination

Submitted with Comment

Returned for Further Action

Comment: _____

A.O. Initials: [Signature]

MARIPOSA COUNTY RESOLUTION NO. 95-198

RESOLUTION REQUIRING HIV TESTING OF INMATES

WHEREAS, the public peace, health, and safety is endangered by the spread of acquired immune deficiency syndrome (AIDS): and

WHEREAS, the spread of AIDS presents a grave danger to law enforcement personnel who come into contact with arrestees and prisoners infected with the AIDS virus, and

WHEREAS, law enforcement personnel are particularly vulnerable to this danger, due to assaults and other violent acts to which they are exposed in the course and scope of their duties; and

WHEREAS, the protection of the health and safety of these personnel is of great importance to the people of Mariposa County; and

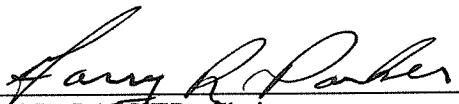
WHEREAS, the testing of individuals in custody of law enforcement for evidence of infection by the HIV virus, AIDS or AIDS related complex would help provide a level of information necessary for effective disease control within custodial institutions, and would help preserve the health of law enforcement personnel, inmates and the public at large; and

WHEREAS, such testing would be undertaken only in those cases deemed appropriate by the chief medical officer and in compliance with all legal requirements, including those provisions pertaining to the confidentiality of test results.

NOW, THEREFORE, BE IT RESOLVED that the provisions of Title 8 of Part 3 of the Penal Code (sections 7500 et seq.) regarding the medical testing of persons therein designated for the HIV virus, AIDS or AIDS related complex, shall be operative in Mariposa County.


PASSED AND ADOPTED by the Mariposa County Board of Supervisors the 9th day of May, 1995 by the following vote:

AYES:	REILLY, BALMAIN, STEWART, PARKER, TABER
NOES:	NONE
ABSENT:	NONE
ABSTAINED:	NONE


GARRY R. PARKER, Chairman
Board of Supervisors

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

ATTEST:


MARGIE WILLIAMS
Clerk of the Board


JEFFREY G. GREEN
County Counsel