

STATE OF RHODE ISLAND



Department of Corrections

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The Honorable Robert E. Craven Sr.
House Committee on Judiciary
82 Smith Street
Providence, RI 02903

February 25, 2025

Re: H5348 – Relating to Health and Safety -- Prevention and Suppression of Contagious Diseases -- HIV/AIDS

Dear Chairperson Craven:

This evening the House Judiciary Committee will consider House Bill #5348. This bill would repeal the required HIV testing for an individual convicted under chapter 34.1 of title 11 ("commercial sexual activity"). It would also allow the option for HIV testing for any person convicted under this chapter. The Rhode Island Department of Corrections (RIDOC) is concerned that this legislation may have some unintended consequences within its correctional system.

The Department's Policy 18.68.3 on health care and the right to refuse treatment outlines how and under what circumstances an incarcerated person may refuse treatment. Per the attached policy, "An inmate may, at any time of being offered certain health evaluation, treatment, or care, refuse said evaluation, treatment or care," with a number of exceptions. Included in the list of exceptions is HIV testing upon sentencing. This mandatory testing is done to ensure the appropriate treatment is available and/or rendered to any individual who may be HIV positive, and the safety of the incarcerated population and RIDOC staff within our secure sentenced facilities. Allowing such testing to be option puts the health and wellbeing of all at risk within a correctional setting. It is the Department's hope that such circumstances be prioritized during the consideration of this legislation.

Thank you for the opportunity to comment on this legislation.

Sincerely,

Wayne T. Salisbury Jr.
Director

cc: Honorable Members of the House Judiciary Committee
The Honorable Representatives Tanzi, Shallcross Smith, Speakman, Boylan, McGaw, and Furtado
Nicole McCarty, Esq., Chief Legal Counsel to the Speaker of the House