House OKs bill to allow arrests for AIDS exposure

By The Associated Press

A House committee approved a bill Friday that could be used to arrest people who have been exposed to the AIDS virus.

The bill, sponsored by Rep. Alphonse Jackson, D-Shreveport, spells out procedures by which the Department of Health and Human Resources can obtain the civil arrest of people deemed to be an "imminent danger to health or lives."

George Armstrong, associate professor of law at Louisiana State University, said the bill was amended by the committee to drop a provision stating "HIV infection (AIDS) alone shall not constitute an imminent risk to the public health."

Charles Castille, general counsel for DHHR, said the bill was not intended to be aimed at victims of acquired immune deficiency syndrome.

"It is certainly not the intent of the department to have a bill aimed at AIDS sufferers or those with the virus," he said.

The measure is intended to put into statute form the procedures by which the agency can take action against someone who violates a court order dealing with a dangerous disease, Castille said.

Armstrong, who testified against the bill before the House Health and Welfare Committee, said the measure would deny a person the right to a hearing.

"It would be a bureaucrat, someone in DHHR, who would determine whether someone would constitute an imminent danger to the public health," he said.

But Castille said an agency official would have to request that a judge issue the arrest warrant.

"I think it would pass constitutional muster because it does have provisions for an independent person — the judge — to decide on the warrant," he said.

Armstrong also said the bill "does not say how long or where a person would be confined."

DHHR already has the power to confine someone who violates a communicable disease order in the state prison system. But the law, designed as a measure against tuberculosis, is probably unconstitutional, Castille said.

Armstrong also complained about the guidelines for determining what constitutes an "imminent danger" to public health.

"The bill is unconstitutional because it does not establish clear guidelines to determine whether someone is a health risk," he said.

According to Armstrong, the bill also requires that all positive test results dealing with exposure to the AIDS virus be reported to the state. That could result in fewer people voluntarily taking the test and a decreased number of blood donations, he said.

"No one will give blood if they fear a false positive result being reported," he said.