

41-21-107. Information recorded on reception.

(a) It is the duty of the warden of the Tennessee state penitentiary upon the reception of any inmate to:

(1) Take a complete description of the inmate;

(2) Take the inmate's fingerprints and photograph;

(3) Record the county in which convicted, the nature of the crime and the period of imprisonment;

(4) Obtain from the inmate a full and complete statement, giving a brief history of the inmate's past life, showing past residences, the names and post office addresses of all near relatives, and such other facts as may tend to show the past habits and character of the inmate; and

(5) (A) Have the inmate undergo HIV testing, with or without the inmate's consent, through a licensed medical laboratory, unless the inmate has been tested pursuant to § [39-13-521](#) before reception. Unless previously tested, the inmate shall also undergo such **HIV** testing and shall also undergo a confirmatory test and be referred to appropriate counseling when necessary.

(B) The result of any **HIV** test ordered under this subdivision (a)(5) is not a public record and shall be available only to:

(i) The person tested;

(ii) The attending physician of the person tested;

(iii) The department of health; and

(iv) The department of correction.

(C) For purposes of this section, "**HIV** test" means a test of an individual for the presence of human immunodeficiency virus (**HIV**), or for antibodies or antigens that result from **HIV** infection, or for any other substance specifically indicating infection with **HIV**. The department of correction shall promulgate rules providing for the testing of inmates for **HIV**, and such rules shall be consistent with the rules and procedures of the department of health.

(D) The provisions of this subdivision (a)(5) only apply to inmates less than twenty-one (21) years of age.

(b) The warden shall, by correspondence or otherwise, seek to verify or disprove any such statements or information obtained from the inmate and shall preserve the record so obtained as a part of the official records of the Tennessee state penitentiary.

[Code 1858, § 5499 (deriv. Acts 1829, ch. 38, § 25); Shan., § 7517; Code 1932, § 12114; Acts 1943, ch. 68, § 1; C. Supp. 1950, § 12114; T.C.A. (orig. ed.), § 41-207; Acts 1997, ch. 298, § 1.]