

SENATE BILL NO. 17 am H

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY SENATORS TAYLOR, Pearce, Miller, Ward

REPRESENTATIVES Rokeberg, Cowdery, Ryan

Amended: 5/11/98

Introduced: 1/13/97

A BILL

FOR AN ACT ENTITLED

1 **"An Act creating the crime of criminal transmission of human immunodeficiency**
2 **virus (HIV)."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 *** Section 1.** AS 11.66 is amended by adding a new section to read:

5 **Article 1A. Health Offenses.**

6 **Sec. 11.66.160. Criminal transmission of HIV.** (a) A person commits the
7 crime of criminal transmission of human immunodeficiency virus (HIV) if the person,
8 knowing that the person is infected with HIV,

9 (1) voluntarily engages in intimate contact with another person;

10 (2) transfers, donates, or provides the person's blood, tissue, semen,
11 ovum, organs, or other potentially infectious body fluids for transfusion,
12 transplantation, insemination, or other administration to another, excluding perinatal
13 transmission; or

14 (3) except for recognized needle exchange programs, dispenses,

1 delivers, exchanges, sells, or in any manner transfers any nonsterile intravenous or
2 intramuscular drug paraphernalia in a manner that is substantially likely to result in the
3 transmission of HIV unless the transfer is for the purpose of disposing of the
4 paraphernalia properly under state or federal law.

5 (b) In a prosecution under this section,

6 (1) it is an affirmative defense that the person exposed to HIV by the
7 intimate contact, the transfusion, transplantation, insemination, or other administration
8 or the transfer, knew that the defendant was infected with HIV, knew that the action
9 could result in infection with HIV, and consented to the action with that knowledge;

10 (2) it is not necessary to show that the victim has been actually infected
11 with HIV for the defendant to be convicted.

12 (c) In this section,

13 (1) "HIV" means the human immunodeficiency virus or another
14 identified causative agent of acquired immunodeficiency syndrome;

15 (2) "intimate contact" means sexual penetration or any contact in which
16 the body of one person is exposed to a body fluid of another person in a manner that
17 is substantially likely to result in the transmission of HIV;

18 (3) "intravenous or intramuscular drug paraphernalia" means any
19 equipment, product, or material of any kind that is peculiar to and marketed for use
20 in injecting a substance into the human body.

21 (d) Criminal transmission of HIV is a class B felony.

22 * **Sec. 2.** This Act applies to all offenses committed on or after the effective date of this
23 Act.