

CS FOR SENATE BILL NO. 91(HES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY THE SENATE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

Offered: 3/10/95
Referred: Judiciary

Sponsor(s): SENATORS TAYLOR, Halford

REPRESENTATIVE Rokeberg

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
7 commits the crime of criminal transmission of human immunodeficiency virus (HIV)
8 if the person, 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 organs, or other potentially infectious body fluids for transfusion, transplantation,
12 insemination, or other administration to another, excluding perinatal transmission; or

13 (3) dispenses, delivers, exchanges, sells, or in any manner transfers to
14 another person any nonsterile intravenous or intramuscular drug paraphernalia.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19

(b) In a prosecution under this section,

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

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

(c) In this section,

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

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

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

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

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