

**SENATE BILL NO. 17**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY SENATORS TAYLOR, Pearce, Miller, Ward

REPRESENTATIVES Rokeberg, Cowdery, Ryan

Introduced: 1/13/97

Referred: HESS, Judiciary, Finance

**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 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 (b) In a prosecution under this section,

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

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

8 (c) In this section,

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

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

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

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

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