AN ACT TO CREATE THE OFFENSE OF CRIMINAL EXPOSURE OF ANOTHER TO HIV; TO ESTABLISH A PENALTY THEREFOR; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. (1) Any person who knowingly exposes another to HIV is guilty of a felony and, upon conviction thereof, shall be punished by commitment to the custody of the State Department of Corrections for not less than three (3) nor more than six (6) years.

(2) A person commits the offense of criminal exposure of another to HIV when, knowing that he is infected with HIV, such person knowingly and without the consent of the person exposed:

(a) Engages in intimate contact with another;

(b) Injures another person or takes any other action either with malicious intent to expose the person to HIV or in reckless disregard of the possibility of exposure;

(c) Transfers, donates or provides his blood, tissue, semen, organs or other potentially infectious body fluids or parts for transfusion, transplantation, insemination or other administration to another in any manner that presents a significant risk of HIV transmission; or

(d) Dispenses, delivers, exchanges, sells or in any other way transfers to another any nonsterile intravenous or intramuscular drug paraphernalia.

(3) For purposes of this section:

(a) "HIV" means the human immunodeficiency virus or any other identified causative agent of acquired immunodeficiency syndrome.
(b) "Intimate contact with another" means the exposure of the body of one (1) person to a bodily fluid of another person in any manner that presents a significant risk of HIV transmission.

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

(4) Nothing in this section shall be construed to require the actual transmission of HIV in order for a person to have committed the offense of criminal exposure of another to HIV.

SECTION 2. This act shall take effect and be in force from and after July 1, 2001.