

By: Senator(s) White

To: Judiciary, Division B

SENATE BILL NO. 2034

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

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

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

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

12 (a) Engages in intimate contact with another;

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

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

21 (3) For purposes of this section:

22 (a) "HIV" means the human immunodeficiency virus or any
23 other identified causative agent of acquired immunodeficiency
24 syndrome.

25 (b) "Intimate contact with another" means the exposure
26 of the body of one person to a bodily fluid of another person in
27 any manner that presents a significant risk of HIV transmission.

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

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

35 **SECTION 2.** This act shall take effect and be in force from
36 and after July 1, 2005.