

By: Representative Malone

To: Corrections; Judiciary B

HOUSE BILL NO. 432
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 97-27-14, MISSISSIPPI CODE OF 1972,
2 TO CREATE THE CRIME OF ENDANGERING CERTAIN PERSONS BY A KNOWING
3 ATTEMPT OR CAUSE THE PERSON TO COME IN CONTACT WITH BODY FLUIDS
4 INFECTED WITH CERTAIN DISEASES; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 97-27-14, Mississippi Code of 1972, is
7 amended as follows:

8 97-27-14. (1) It shall be unlawful for any person to
9 knowingly expose another person to * * * human immunodeficiency
10 virus (HIV), hepatitis B or hepatitis C. Prior knowledge and
11 willing consent to the exposure is a defense to a charge brought
12 under this paragraph. A violation of this subsection shall be a
13 felony.

14 (2) (a) A person commits the crime of endangerment by
15 bodily substance if the person attempts to cause or knowingly
16 causes a corrections employee, a visitor to a correctional
17 facility or another prisoner or offender to come into contact with
18 blood, seminal fluid, urine, feces or saliva.

19 (b) As used in this subsection, the following
20 definitions shall apply unless the context clearly requires
21 otherwise:

22 (i) "Corrections employee" means a person who is
23 an employee or contracted employee of a subcontractor of a
24 department or agency responsible for operating a jail, prison,
25 correctional facility or a person who is assigned to work in a
26 jail, prison or correctional facility.

27 (ii) "Offender" means a person who is in the
28 custody of the Department of Corrections.

29 (iii) "Prisoner" means a person confined in a
30 county or city jail.

31 (c) * * * A violation of this subsection is a
32 misdemeanor unless the person violating this section knows that he
33 is infected with human immunodeficiency virus (HIV), hepatitis B
34 or hepatitis C, in which case it is a felony.

35 (3) Any person convicted of a felony violation of this
36 section shall be imprisoned for not less than three (3) years nor
37 more than ten (10) years and a fine of not more than Ten Thousand
38 Dollars (\$10,000.00), or both.

39 (4) Any person guilty of a misdemeanor violation of this
40 section shall be punished by imprisonment in the county jail for
41 up to one (1) year and may be fined One Thousand Dollars
42 (\$1,000.00), or both.

43 (5) The provisions of this section shall be in addition to
44 any other provisions of law for which the actions described in
45 this section may be prosecuted.

46 **SECTION 2.** This act shall take effect and be in force from
47 and after July 1, 2007.