

STATE OF OKLAHOMA

1st Session of the 43rd Legislature (1991)

HOUSE BILL NO. 1481

BY: ROSS

AS INTRODUCED

AN ACT RELATING TO CRIMES AND PUNISHMENTS AND PUBLIC HEALTH AND SAFETY; AMENDING SECTION 3, CHAPTER 153, O.S.L. 1988 (21 O.S. SUPP. 1990, SECTION 1192.1), WHICH RELATES TO ENGAGING IN ACTIVITY WITH INTENT TO CAUSE CERTAIN INFECTION; MODIFYING DEFINITION OF CRIME; INCREASING IMPRISONMENT LIMIT FOR CRIME; AMENDING 63 O.S. 1981, SECTION 1-524, WHICH RELATES TO EXAMINATIONS OF CERTAIN PRISONERS; REQUIRING COUNTY COMMISSIONERS AND STATE BOARD OF CORRECTIONS TO PROVIDE FREE CONDOMS TO INMATES; AND PROVIDING AN EFFECTIVE DATE.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY Section 3, Chapter 153, O.S.L. 1988 (21 O.S. Supp. 1990, Section 1192.1), is amended to read as follows:

Section 1192.1 A. It shall be unlawful for any person ~~to engage in any activity with the intent to infect or cause to be infected any other person with the human immunodeficiency virus~~ knowing that he or she has Acquired Immune Deficiency Syndrome (AIDS) or is a carrier of the human immunodeficiency virus (HIV) and with intent to infect another, to engage in conduct reasonably

likely to result in the transfer of the person's own blood, bodily fluids containing visible blood, semen, or vaginal secretions into the bloodstream of another, or through the skin or other membranes of another person, except during in utero transmission of blood or bodily fluids, and:

1. the other person did not consent to the transfer of blood, bodily fluids containing blood, semen, or vaginal secretions; or

2. the other person consented to the transfer but at the time of giving consent had not been informed by the person that the person transferring such blood or fluids had AIDS or was a carrier of HIV.

B. Any person convicted of violating the provisions of this section shall be guilty of a felony, punishable by imprisonment in the custody of the Department of Corrections for not more than ~~five~~ ten (10) years.

SECTION 2. AMENDATORY 63 O.S. 1981, Section 1-524, is amended to read as follows:

Section 1-524. (a) The keeper of any prison or penal institution in this state shall cause to be examined every person confined in such prison or penal institution, to determine whether such person is an infected person.

(b) The State Commissioner of Health and local health officers, or their authorized deputies who are physicians, may examine persons who are arrested by lawful warrant for vagrancy, prostitution, rape or other sex crimes, for the purpose of determining if they are infected with a venereal disease or a communicable disease including, but not limited to, the human immunodeficiency virus (HIV). Every such person shall submit to the examination and permit specimens to be taken for laboratory examinations. Such person may be detained until the results of the examination are known. The required examination shall be made by the Commissioner or local health officer or, at the option of the person to be examined, by an

approved licensed physician. Such examination shall be made subsequent to arrest and a determination as to whether or not the person is infected shall not be based on any prior examination. Any person found to be infected with a venereal disease shall be treated by the Commissioner or local health officer, or a physician of such person's own choice, until such person is noninfectious or dismissed by the Commissioner or local health officer or physician. In the event a person infected with a venereal disease refuses or fails to submit to treatment, then such person may be quarantined for the purpose of treatment, and a report thereof shall be made to the State Commissioner of Health.

(c) The county commissioners of every county jail and the State Board of Corrections shall provide free condoms to any and all persons confined or in the custody of such jail or penal institution.

SECTION 3. This act shall become effective September 1, 1991.

43-1-5999

KVR