

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 COMMITTEE SUBSTITUTE

4 FOR

5 HOUSE BILL NO. 2732

By: Rousselot

6  
7 COMMITTEE SUBSTITUTE

8 An Act relating to crimes and punishments; making  
9 certain acts unlawful; providing penalties; defining  
10 terms; amending 21 O.S. 2001, Section 1192.1, which  
11 relates to the spread of infectious diseases;  
12 expanding scope of certain prohibited act; providing  
13 penalty; defining term; providing for codification;  
14 and providing an effective date.

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

16 SECTION 1. NEW LAW A new section of law to be codified  
17 in the Oklahoma Statutes as Section 1192.2 of Title 21, unless there  
18 is created a duplication in numbering, reads as follows:

19 A. It shall be unlawful for any person afflicted with a  
20 sexually transmitted disease to knowingly expose or communicate any  
21 of such sexually transmitted disease to a child. Any person who  
22 violates the provisions of this subsection shall, upon conviction,  
23 be guilty of a felony punishable by imprisonment in the custody of  
24 the Department of Corrections not to exceed life.

B. As used in this section:

1 1. "Child" means any person under sixteen (16) years of age;  
2 and

3 2. "Sexually transmitted disease" includes, but is not limited  
4 to, the following:

- 5 a. bacterial vaginosis,
- 6 b. chancroid,
- 7 c. chlamydia,
- 8 d. genital herpes,
- 9 e. genital warts,
- 10 f. gonorrhea,
- 11 g. syphilis, or
- 12 h. viral hepatitis.

13 SECTION 2. AMENDATORY 21 O.S. 2001, Section 1192.1, is  
14 amended to read as follows:

15 Section 1192.1 A. It shall be unlawful for any person knowing  
16 that he or she has Acquired Immune Deficiency Syndrome (AIDS) or is  
17 a carrier of the human immunodeficiency virus (HIV) and with intent  
18 to infect another, to engage in conduct reasonably likely to result  
19 in the transfer of the person's own blood, bodily fluids containing  
20 visible blood, semen, or vaginal secretions into the bloodstream of  
21 another, or through the skin or other membranes of another person,  
22 except during in utero transmission of blood or bodily fluids, and:

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

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

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

9           C. It shall be unlawful for any person knowing that the person  
10 has Acquired Immune Deficiency Syndrome (AIDS) or is a carrier of  
11 the human immunodeficiency virus (HIV) and with intent to infect a  
12 child, to engage in conduct reasonably likely to result in the  
13 transfer of the person's own blood, bodily fluids containing visible  
14 blood, semen, or vaginal secretions into the bloodstream of a child,  
15 or through the skin or other membranes of a child, except during in  
16 utero transmission of blood or bodily fluids. Any person who  
17 violates the provisions of this subsection shall, upon conviction,  
18 be guilty of a felony punishable by imprisonment in the custody of  
19 the Department of Corrections not to exceed life. As used in this  
20 subsection, "child" shall mean any person under eighteen (18) years  
21 of age.

22           SECTION 3. This act shall become effective November 1, 2010.

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