

THE HOUSE OF REPRESENTATIVES
Wednesday, February 24, 2010

Committee Substitute for
House Bill No. 2732

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 2732 - By: ROUSSELOT of the House and GARRISON of the Senate.

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

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

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

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

9 B. As used in this section:

- 10 1. "Child" means any person under sixteen (16) years of age; and
11 2. "Sexually transmitted disease" includes, but is not limited to, the following:

- 1 a. bacterial vaginosis,
- 2 b. chancroid,
- 3 c. chlamydia,
- 4 d. genital herpes,
- 5 e. genital warts,
- 6 f. gonorrhea,
- 7 g. syphilis, or
- 8 h. viral hepatitis.

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

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

- 18 1. The other person did not consent to the transfer of blood, bodily fluids containing
19 blood, semen, or vaginal secretions; or
- 20 2. The other person consented to the transfer but at the time of giving consent had
21 not been informed by the person that the person transferring such blood or fluids had
22 AIDS or was a carrier of HIV.

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

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

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

15 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 02-23-10 - DO PASS,
16 As Amended and Coauthored.