

1 THE STATE SENATE  
2 Monday, March 29, 2010

3 ENGROSSED

4 House Bill No. 2732

5 As Amended

6 ENGROSSED HOUSE BILL NO. 2732 - By: Rousselot and Luttrell of the  
7 House and Garrison and Bass of the Senate.

8 [ crimes and punishments - making certain acts unlawful -  
9 relating to spread of infectious diseases - expanding scope  
10 of certain prohibited acts - providing penalty - defining  
11 term - codification - effective date ]

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

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

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

22 B. As used in this section:

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

24 and

1           2. "Sexually transmitted disease" includes, but is not limited  
2 to, genital herpes, gonorrhea, or syphilis.

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

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

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

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

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

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

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

15        COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 3-24-10 - DO  
16        PASS, As Amended and Coauthored.