

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 2732

By: Roussetot

4
5
6 AS INTRODUCED

7 An Act relating to crimes and punishments; amending
8 21 O.S. 2001, Sections 1192 and 1192.1, which relate
9 to the spread of infectious diseases; modifying and
10 expanding scope of certain prohibited acts; making
11 certain acts unlawful; providing penalties; defining
12 terms; and providing an effective date.

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

13 SECTION 1. AMENDATORY 21 O.S. 2001, Section 1192, is
14 amended to read as follows:

15 Section 1192. ~~Any~~ A. It shall be unlawful for any person who
16 ~~shall inoculate himself or any other person or shall suffer himself~~
17 ~~to be inoculated~~ afflicted ~~with smallpox, syphilis or gonorrhoea and~~
18 ~~shall spread or cause to be spread~~ a sexually transmitted infection
19 or disease ~~to any other persons with intent to or recklessly be~~
20 ~~responsible for the spread of or prevalence of such infectious~~
21 ~~disease,~~ knowingly expose or communicate any of such sexually
22 transmitted infection or disease to another person through sexual
23 intercourse, unless such other person has been informed of the
24 presence of the sexually transmitted infection or disease. Any

1 person who violates the provisions of this subsection shall be
2 deemed a felon, and, upon conviction thereof, be guilty of a felony
3 and shall be punished punishable by imprisonment in the State
4 Penitentiary custody of the Department of Corrections for not more
5 than five (5) years nor less than two (2) years.

6 B. It shall be unlawful for any person afflicted with a
7 sexually transmitted infection or disease to knowingly expose or
8 communicate any of such sexually transmitted infection or disease to
9 a child. Any person who violates the provisions of this subsection
10 shall, upon conviction, be guilty of a felony punishable by
11 imprisonment in the custody of the Department of Corrections for
12 life.

13 C. As used in this section:

14 1. "Child" means any person under eighteen (18) years of age;
15 and

16 2. "Sexually transmitted infection or disease" includes, but is
17 not limited to, the following:

18 a. bacterial vaginosis,

19 b. chancroid,

20 c. chlamydia,

21 d. genital herpes,

22 e. genital warts,

23 f. gonorrhea,

24 g. syphilis, or

1 h. viral hepatitis.

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

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

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

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

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

22 C. It shall be unlawful for any person knowing that the person
23 has Acquired Immune Deficiency Syndrome (AIDS) or is a carrier of
24 the human immunodeficiency virus (HIV) and with intent to infect a

1 child, to engage in conduct reasonably likely to result in the
2 transfer of the person's own blood, bodily fluids containing visible
3 blood, semen, or vaginal secretions into the bloodstream of a child,
4 or through the skin or other membranes of a child, except during in
5 utero transmission of blood or bodily fluids. Any person who
6 violates the provisions of this subsection shall, upon conviction,
7 be guilty of a felony punishable by imprisonment in the custody of
8 the Department of Corrections for life. As used in this subsection,
9 "child" shall mean any person under eighteen (18) years of age.

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

11
12 52-2-8335 GRS 01/12/10
13
14
15
16
17
18
19
20
21
22
23
24