2018 Regular Session  
HOUSE BILL NO. 275  
BY REPRESENTATIVE JORDAN

CRIME: Prohibits the intentional exposure to HIV

AN ACT

To amend and reenact R.S. 14:43.5(A), (B), (C), (D)(1), and (E) and to enact R.S. 14:43.5(F), relative to the crime of intentional exposure to the human immunodeficiency virus; to provide for the elements of the offense; to provide for definitions; to provide for affirmative defenses; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:43.5(A), (B), (C), (D)(1), and (E) are hereby amended and reenacted and R.S. 14:43.5(F) is hereby enacted to read as follows:

§43.5. Intentional exposure to AIDS virus HIV

A. No person shall intentionally expose another to any acquired immunodeficiency syndrome (AIDS) the human immunodeficiency virus (HIV) through sexual contact without the knowing and lawful consent of the victim.

B. No person shall intentionally expose another to any acquired immunodeficiency syndrome (AIDS) virus HIV through any means or contact without the knowing and lawful consent of the victim.

C. No person shall intentionally expose a police officer to any AIDS virus HIV through any means or contact without the knowing and lawful consent of the police officer when the offender has reasonable grounds to believe the victim is a police officer acting in the performance of his duty.
D. For purposes of this Section, the following words have the following meanings:

(1) "Means or contact" is defined as spitting, biting, stabbing with an AIDS contaminated object, or throwing of blood or other bodily substances. "Intentional exposure" means that a person knows at the time of the exposure that he is HIV positive, has not disclosed his HIV-positive status, and acts with the specific intent to transmit HIV to the other person.

*          *          *

E.(1) Whoever commits the crime of intentional exposure to AIDS virus HIV shall be fined not more than five thousand dollars, imprisoned with or without hard labor for not more than ten years, or both.

(2) Whoever commits the crime of intentional exposure to AIDS virus HIV against a police officer shall be fined not more than six thousand dollars, imprisoned with or without hard labor for not more than eleven years, or both.

F.(1) It is an affirmative defense, if proven by a preponderance of the evidence, that the person exposed to HIV knew the infected person was infected with HIV, knew the action could result in infection with HIV, and gave advance consent to the action with that knowledge.

(2) It is also an affirmative defense that the transfer of body fluid, tissue, or organs occurred after advice from a licensed physician that the accused was noninfectious.

(3) It is also an affirmative defense that the HIV-positive person took practical means to prevent transmission as advised by a physician or other healthcare provider or is a healthcare provider who was following professionally accepted infection control procedures.
DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 275 Original 2018 Regular Session Jordan

Abstract: Amends the elements of the crime of intentional exposure to the AIDS virus to apply to the intentional exposure to HIV.

Present law provides that no person shall intentionally expose another to any acquired immunodeficiency syndrome (AIDS) virus through any means or contact without the knowing and lawful consent of the victim.

Proposed law changes the elements from acquired immunodeficiency syndrome (AIDS) virus to the human immunodeficiency virus (HIV).

Proposed law amends the definition of "intentional exposure" to include a person who knows at the time of the exposure that he is HIV positive, has not disclosed his HIV-positive status, and acts with the specific intent to transmit HIV to the other person.

Proposed law provides affirmative defenses to the crime.

(Amends R.S. 14:43.5(A), (B), (C), (D)(1), and (E); Adds R.S. 14:43.5(F))