
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 808 Original

2026 Regular Session

McMahen

Abstract: Amends the crime of intentional exposure to HIV relative to the name of the offense, elements, affirmative defenses, and designation as a sex offense.

Present law (R.S. 14:43.5) provides for the crime of intentional exposure to HIV and provides for penalties.

Proposed law retains the definition for "first responder" and penalties, but amends present law as follows:

- (1) Changes the name of the offense from intentional exposure to HIV to intentional transmission of HIV.
- (2) Prohibits a person with specific intent from transmitting or attempting to transmit HIV to another person without the knowing and lawful consent of the victim when the offender knew that he was positive for HIV at the time of the transmission and the contact posed a substantial likelihood of transmission under certain circumstances.
- (3) Provides for circumstances that violate proposed law as follows:
 - (a) Through sexual contact.
 - (b) Through the sharing of hypodermic needles or syringes.
 - (c) Through any means or contact that poses a substantial likelihood of transmission.
 - (d) Through any means or contact that poses a substantial likelihood of transmission if the offender has reasonable grounds to believe the victim is a first responder acting in the performance of his official duties.

Proposed law defines the term "substantial likelihood of transmission".

Proposed law provides an affirmative defense to prosecution that the defendant, at the time of the alleged transmission, was receiving medical care for HIV and maintained a viral load that effectively eliminated the risk of HIV transmission through sexual contact.

Proposed law provides that the defendant bears the burden of proof for asserting any affirmative

defense provided in present law.

Proposed law provides that nothing in proposed law shall be construed to criminalize conduct that poses no medically recognized risk of HIV transmission.

Present law (R.S. 15:541(24)(a)) defines the term "sex offense".

Proposed law amends present law to provide that intentional transmission of HIV is designated as a sex offense only when the offense involves sexual contact.

(Amends R.S. 14:43.5 and R.S. 15:541(24)(a))