

RÉSUMÉ DIGEST

ACT 177 (HB 808)

2026 Regular Session

McMahon

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

Existing law provides for circumstances that constitute a violation of existing law.

New law amends existing law as follows:

- (1) Prohibits a person from intentionally exposing another person to HIV without the knowing and lawful consent of the victim when the offender knew that he was positive for HIV at the time of the exposure and the contact posed a substantial likelihood of transmission under certain circumstances.
- (2) Provides for circumstances that violate existing 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.

New law defines "substantial likelihood of transmission".

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

New law provides that the defendant bears the burden of proof for asserting any affirmative defense provided in existing law.

New law provides that nothing in new law criminalizes conduct that poses no medically recognized risk of HIV transmission.

New law permits a defendant to introduce documents or testimony relating to a medical condition or related treatment on the basis of an affirmative defense, provides for notification procedures and time periods, provides for duties of the defendant, and provides for duties and authorized actions of the court.

Effective August 1, 2026.

(Amends R.S. 14:43.5; Adds C.Cr.P. Art. 726.1)