

2015 -- S 0338

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LC001173
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2015

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A N A C T

RELATING TO CRIMINAL OFFENSES - CRIMINAL TRANSMISSION OF HIV

Introduced By: Senators Kettle, and Morgan

Date Introduced: February 12, 2015

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 11 of the General Laws entitled "CRIMINAL OFFENSES" is hereby
2 amended by adding thereto the following chapter:

3 CHAPTER 69

4 CRIMINAL TRANSMISSION OF HIV

5 **11-69-1. Exposure of another to HIV infection. --** (a) It is unlawful for a person who
6 knows he or she is infected with the human immunodeficiency virus known as HIV to:

7 (1) Knowingly engage in sexual intercourse (vaginal, anal, or oral with another person
8 without first informing that person of his/her HIV infection;

9 (2) Knowingly commit an act of prostitution with another person;

10 (3) Knowingly sell or donate blood, blood products, semen, tissue, organs, or other body
11 fluids;

12 (4) Forcibly engage in sexual intercourse (vaginal, anal or oral) without the consent of the
13 other person, including one's legal spouse; or

14 (5) Knowingly share with another person a hypodermic needle/syringe without first
15 informing that person that the needle or syringe has been used by someone infected with HIV.

16 **11-69-2. Penalties. --** (a) Any person who violates the provisions of this chapter shall,
17 upon conviction, be sentenced to imprisonment for a term not to exceed fifteen (15) years, or
18 shall be subject to a fine not to exceed five thousand dollars (\$5,000), or both.

19 (b) Any person who violates the provisions of § 11-69-1(a)(4) relating to forcible sexual

1 [intercourse while infected with HIV, may have their sentence enhanced by adding up to three \(3\)](#)
2 [additional years in prison for each violation of this chapter.](#)

3 **11-69-3. Severability. --** [If any provision of this chapter is held by a court to be invalid,](#)
4 [that invalidity shall not affect the remaining provisions of the chapter, and to this end the](#)
5 [provisions of the chapter are declared severable.](#)

6 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO CRIMINAL OFFENSES - CRIMINAL TRANSMISSION OF HIV

1 This act would create a criminal offense for knowingly transmitting HIV to another
2 person.

3 This act would take effect upon passage.

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