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HOUSE BILL NO. 657

House Amendments in [] — February 4, 2004

A BILL to amend and reenact § 18.2-67.4:1 of the Code of Virginia, relating to infected sexual battery; penalty.

Patron Prior to Engrossment—Delegate Bell

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-67.4:1 of the Code of Virginia is amended and reenacted as follows:

§ 18.2-67.4:1. Infected sexual battery; penalty.

Any person who, knowing he is infected with HIV, syphilis, [*genital*] *herpes*, or hepatitis B, has sexual intercourse, cunnilingus, fellatio, anallingus or anal intercourse with the intent to transmit the infection to another person shall be guilty of a Class 6 felony.

"HIV" means the human immunodeficiency virus or any other related virus that causes acquired immunodeficiency syndrome (AIDS).

Nothing in this section shall prevent the prosecution of any other crime against persons under Chapter 4 (§ 18.2-30 et seq.) of this title. Any person charged with a violation of this section alleging he is infected with HIV shall be subject to the testing provisions of § 18.2-62.

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities and is \$0 for periods of commitment to the custody of the Department of Juvenile Justice.

ENGROSSED

HB657E