

2004 SESSION

HOUSE SUBSTITUTE

040963256

HOUSE BILL NO. 871

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee for Appropriations
on February 13, 2004)

(Patron Prior to Substitute—Delegate Byron)

A BILL to amend the Code of Virginia by adding a section numbered 18.2-67.4:2, relating to sexual activity while infected with HIV.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 18.2-67.4:2 as follows:

§ 18.2-67.4:2. Sexual activity while infected with HIV; penalty.

Any person who, knowing he is infected with HIV has sexual intercourse, cunnilingus, fellatio, anallingus or anal intercourse with another person without having previously disclosed the existence of his infection to the other person is 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.

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