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**HOUSE BILL NO. 871**

**AMENDMENT IN THE NATURE OF A SUBSTITUTE**

(Proposed by the Senate Committee for Courts of Justice  
on March 1, 2004)

(Patron Prior to Substitute—Delegate Byron)

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

**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.

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

*B. 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 1 misdemeanor.*

C. "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.

**SENATE SUBSTITUTE**

HB871S1