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HOUSE BILL NO. 864

Offered January 8, 2020

Prefiled January 7, 2020

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

Patron—Levine

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.

A. Any person who, (i) knowing he is infected with HIV, syphilis, or hepatitis B, and (ii) knowing his infection is currently detectable and transmittable, has sexual intercourse, cunnilingus, fellatio, anilingus, or anal intercourse without using any prophylactic barrier, including a condom or dental dam, with the intent to transmit the infection to another person is guilty of a Class 6 felony.

B. Any person who, (i) knowing he is infected with HIV, syphilis, or hepatitis B, and (ii) knowing his infection is currently detectable and transmittable, has sexual intercourse, cunnilingus, fellatio, anilingus, or anal intercourse without using any prophylactic barrier, including a condom or dental dam, 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.

INTRODUCED

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