

WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

Introduced

House Bill 3010

BY DELEGATES SYPOLT, WARD, PAYNTER, FRICH,

ROWAN, LEWIS AND SOBONYA

[Introduced March 14, 2017; Referred
to the Committee on Health and Human Resources
then the Judiciary]

1 A BILL to amend and reenact §16-4-20 of the Code of West Virginia, 1931, as amended, relating
 2 to making it a felony to knowingly expose another individual to HIV without his or her
 3 informed consent; imposing penalties; imposing civil liability.

Be it enacted by the Legislature of West Virginia:

1 That §16-4-20 of the Code of West Virginia, 1931, as amended, be amended and
 2 reenacted to read as follows:

ARTICLE 4. SEXUALLY TRANSMITTED DISEASES.

**§16-4-20. Communication of disease; certificate; prohibiting knowing and willful exposure
 of another to HIV; criminal penalties; civil penalties.**

1 (a) It shall be unlawful for any person suffering with an infectious venereal disease to
 2 perform any act which exposes another person to infection with said disease, or knowingly to
 3 infect or expose another person to infection with such disease; and no physician, health officer or
 4 other person shall give any certificate showing a person to be free from a venereal disease, but
 5 such certificate shall simply state the results of tests and examinations that may have been made,
 6 and what tests were made to arrive at the results stated.

7 (b) An individual that knowingly suffers from human immunodeficiency virus (HIV) and that
 8 willfully performs any act which exposes another person to HIV without that person's informed
 9 consent shall be guilty of a felony, and, upon conviction thereof shall be confined in a state
 10 correctional facility not less than one nor more than five years, and fined not less than \$1,000, nor
 11 more than \$5,000. In addition to any criminal penalties imposed under this subsection, the court
 12 may order any individual convicted under this subsection to pay all or any portion of the cost of
 13 medical, psychological or psychiatric treatment of the victim, the need for which results from the
 14 act or acts for which the defendant is convicted, whether or not the victim is considered to have
 15 sustained bodily injury.

NOTE: The purpose of this bill is to make it a felony to willfully expose another individual to HIV without his or her consent; impose penalties; and impose civil liability.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.