

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

Introduced

House Bill 2215

FISCAL
NOTE

BY DELEGATES SYPOLT AND ROWAN

[Introduced January 10, 2019; 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; establishing criminal penalties; and imposing civil liability.

Be it enacted by the Legislature of West Virginia:

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

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