

VETO MESSAGE ON SB 5044-S

April 24, 1997

To the Honorable President and Members,
The Senate of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 4 and 5, Engrossed Substitute Senate Bill No. 5044 entitled:

"AN ACT Relating to crimes;"

This legislation relates to the criminal prosecution of persons who are infected with the human immunodeficiency virus (HIV) and other sexually transmitted diseases (STD's). ESSB 5044 raises the penalties for the crime of intentional exposure or transmission of HIV to another person by reclassifying it from second degree to first degree assault. I agree that this is an appropriate penalty when considering that the transmission of the HIV could lead to AIDS and eventual death.

Section 3 of the bill removes the "three years and a day" rule that currently prevents a homicide prosecution if death does not occur within that period of time following the criminal act. Under section 3, prosecutors are able to file homicide charges any time after the victim dies. An act which results in a homicide should not escape punishment and I agree with the purpose of section 3.

Section 4 of the bill does not add meaningfully to what prosecutors can accomplish under section 3 and therefore I have vetoed it.

Section 5 of the bill requires that public health officers inform law enforcement of any person with an STD whose behavior presents an imminent danger. As section 5 is written, it may adversely affect HIV/AIDS prevention efforts and could reverse the gains that have been made in slowing the spread of this disease and other STD's.

Current law allows public health officers to give the prosecutor the names of individuals who are intentionally spreading STD's. Section 5 of the bill does not add constructively to what local health officers are already empowered to do.

For these reasons I have vetoed sections 4 and 5 of Engrossed Substitute Senate Bill No. 5044.

With the exception of sections 4 and 5, Engrossed Substitute Senate Bill No. 5044 is approved.

Respectfully submitted,
Gary Locke
Governor