
Public Safety Committee

HB 1018

Brief Description: Expanding criminal penalties for assault.

Sponsors: Representative Moeller.

Brief Summary of Bill

- Removes specific mention of human immunodeficiency virus (HIV) from criminal statutes.
- Expands Assault to include administering, exposing, transmitting, or causing to be taken any fluid infected with a disease, the normal course of which if untreated is death or serious bodily injury.

Hearing Date: 1/17/13

Staff: Sarah Koster (786-7303).

Background:

Assault in the First Degree.

A person is guilty of Assault in the first degree if he or she, with intent to inflict great bodily harm: (a) assaults another with a firearm or deadly weapon or by any force or means likely to produce great bodily harm or death; (b) administers, exposes or transmits to or causes to be taken by another, poison, the human immunodeficiency virus (HIV) or any other destructive or noxious substance; or (c) assaults another and inflicts great bodily harm.

Assault in the first degree is a class A felony.

Assault in the Second Degree.

A person is guilty of Assault in the second degree if he or she, under circumstances not amounting to assault in the first degree:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

- (a) intentionally assaults another and thereby recklessly inflicts substantial bodily harm;
- (b) intentionally and unlawfully causes substantial bodily harm to an unborn quick child by intentionally and unlawfully inflicting any injury upon the mother of such child;
- (c) assaults another with a deadly weapon;
- (d) with intent to inflict bodily harm, administers to or causes to be taken by another, poison or any other destructive or noxious substance;
- (e) with intent to commit a felony, assaults another;
- (f) knowingly inflicts bodily harm which by design causes such pain or agony as to be the equivalent of that produced by torture; or
- (g) assaults another by strangulation or suffocation.

Assault in the second degree is a class B felony, except if a finding of sexual motivation is made, in which case it is a class A felony.

Sexual Intercourse Unlawful Without Notification.

It is a gross misdemeanor for a person who knows they are infected with any sexually transmitted disease, except HIV, to have sexual intercourse without notifying their partner that they are infected with the disease.

Summary of Bill:

A person who, with intent to inflict great bodily harm, administers, exposes, or transmits to or caused to be taken by another, poison or any other destructive or noxious substance with intent to inflict great bodily harm is guilty of Assault in the first degree.

A person who, with intent to inflict bodily harm, administers to or causes to be taken by another, poison or any other destructive or noxious substance is guilty of Assault in the second degree.

For both Assault in the first and second degrees, destructive or noxious substance is defined to include any fluid infected with a disease, the normal course of which if untreated is death or serious bodily injury.

It is a gross misdemeanor for a person who knows they are infected with any sexually transmitted disease to have sexual intercourse without notifying their partner that they are infected with the disease.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.