
Public Safety Committee

HB 2107

Brief Description: Eliminating the disparate treatment of HIV in the criminal justice system.

Sponsors: Representatives Moeller, Harris, Cody, Appleton, Morrell, Jinkins, Lytton, Green, Blake, Sawyer, Dunshee and Riccelli.

Brief Summary of Bill

- Amends the statutory definition of Assault in the first degree to remove the specific mention of human immunodeficiency virus (HIV).
- Expands the statutory definition of Assault in the first degree to include the administering, exposing, transmitting, or causing to be taken of any blood-borne pathogen, the normal course of which if untreated is death or great bodily injury or harm.
- Removes the specific exclusion of HIV from the statutory definition of Sexual Intercourse without Notification so that any sexually transmitted disease can form the basis for criminal liability under the statute.

Hearing Date: 1/14/14

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.

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.

Blood-borne Pathogen.

The term "bloodborne pathogen" is defined in WAC 246-140-010 to mean "pathogenic microorganisms that are present in human blood and can cause disease in humans including: arboviral infections; babesiosis; brucellosis; Creutzfeldt-Jakob disease; hepatitis B virus (HBV); hepatitis C virus (HCV); HIV; human T-lymphotrophic virus Type I; leptospirosis; malaria; relapsing fever; syphilis; [and] viral hemorrhagic fever."

Sexual Intercourse Unlawful Without Notification.

It is a gross misdemeanor for a person who, knowing that he or she is infected with a sexually transmitted disease, except HIV, has sexual intercourse without notifying his or her partner of the presence of the disease.

Summary of Bill:

This bill removes the specific inclusion of HIV in the statutory definition of Assault in the first degree and the specific exclusion of HIV from the statutory definition of Sexual Intercourse Unlawful Without Notification.

For Assault in the first degree, the bill creates a definition of "destructive or noxious substance" to include fluid infected with any blood-borne pathogen which would be likely to cause death or great bodily injury or harm if untreated.

A person is guilty of Assault in the first degree if, with intent to inflict great bodily harm, he or she 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.

A person is guilty of Sexual Intercourse Without Notification if, knowing that he or she is infected with any sexually transmitted disease, he or she has sexual intercourse without notifying his or her partner of the presence of 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.