

---

HOUSE BILL 1262

---

State of Washington                      63rd Legislature                      2013 Regular Session

By Representatives Moeller, Ryu, Roberts, and Pollet

Read first time 01/22/13. Referred to Committee on Public Safety.

1            AN ACT Relating to eliminating the disparate treatment of HIV in  
2 the criminal justice system; amending RCW 9A.36.011, 9A.36.021, and  
3 70.24.140; and prescribing penalties.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5            **Sec. 1.** RCW 9A.36.011 and 1997 c 196 s 1 are each amended to read  
6 as follows:

7            (1) A person is guilty of assault in the first degree if he or she,  
8 with intent to inflict great bodily harm:

9            (a) Assaults another with a firearm or any deadly weapon or by any  
10 force or means likely to produce great bodily harm or death; or

11            (b) Administers, exposes, or transmits to or causes to be taken by  
12 another, ~~poison(, the human immunodeficiency virus as defined in~~  
13 ~~chapter 70.24 RCW,)~~ or any other destructive or noxious substance; or

14            (c) Assaults another and inflicts great bodily harm.

15            (2) For the purposes of this section, "destructive or noxious  
16 substance" includes, but is not limited to, fluid infected with a  
17 disease, the normal course of which if untreated is death or serious  
18 bodily injury or harm.

19            (3) Assault in the first degree is a class A felony.

1       **Sec. 2.** RCW 9A.36.021 and 2011 c 166 s 1 are each amended to read  
2 as follows:

3       (1) A person is guilty of assault in the second degree if he or  
4 she, under circumstances not amounting to assault in the first degree:

5       (a) Intentionally assaults another and thereby recklessly inflicts  
6 substantial bodily harm; or

7       (b) Intentionally and unlawfully causes substantial bodily harm to  
8 an unborn quick child by intentionally and unlawfully inflicting any  
9 injury upon the mother of such child; or

10       (c) Assaults another with a deadly weapon; or

11       (d) With intent to inflict bodily harm, administers to or causes to  
12 be taken by another, poison or any other destructive or noxious  
13 substance; or

14       (e) With intent to commit a felony, assaults another; or

15       (f) Knowingly inflicts bodily harm which by design causes such pain  
16 or agony as to be the equivalent of that produced by torture; or

17       (g) Assaults another by strangulation or suffocation.

18       (2) For the purposes of this section, "destructive or noxious  
19 substance" includes, but is not limited to, fluid infected with a  
20 disease, the normal course of which if untreated is death or serious  
21 bodily injury or harm.

22       (3)(a) Except as provided in (b) of this subsection, assault in the  
23 second degree is a class B felony.

24       (b) Assault in the second degree with a finding of sexual  
25 motivation under RCW 9.94A.835 or 13.40.135 is a class A felony.

26       **Sec. 3.** RCW 70.24.140 and 1988 c 206 s 917 are each amended to  
27 read as follows:

28       It is unlawful for any person who has a sexually transmitted  
29 disease, (~~except HIV infection,~~) when such person knows he or she is  
30 infected with such a disease and when such person has been informed  
31 that he or she may communicate the disease to another person through  
32 sexual intercourse, to have sexual intercourse with any other person,  
33 unless such other person has been informed of the presence of the  
34 sexually transmitted disease.

--- END ---