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## DIGEST

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HB 436 Original

2024 Regular Session

Freeman

**Abstract:** Changes the crime of intentional exposure to HIV to the intentional transmission of HIV.

Present law provides for the crime of intentional exposure to HIV and provides for penalties.

Proposed law renames this offense to the intentional transmission of HIV.

Proposed law defines the phrases "contact that poses a substantial risk of transmission" and "means to prevent transmission".

Proposed law defines the terms "HIV", "intent" or "intentionally", and "transmit".

Proposed law amends the elements of present law to provide that no person shall intentionally transmit HIV to another person through contact that poses a substantial risk of transmission.

Proposed law removes the definition of "first responder" and removes provisions that provide for the intentional exposure of HIV to another person or to a first responder.

Proposed law shall not apply to the following:

- (1) The person asserting a violation of proposed law knew the person being accused of violating proposed law was living with HIV and knew the action could result in transmission.
- (2) The transmission occurred after advice from a licensed physician that the person being accused of violating proposed law was noninfectious.
- (3) The person asserting a violation of proposed law or the person being accused of violating proposed law employed means to prevent transmission.

Proposed law reduces the penalties for this offense from a fine of not more than \$5,000 dollars to \$1,000 and changes the imprisonment term from not more than 10 years with or without hard labor to not more than one year imprisonment with or without hard labor. Retains present law in regards to the imposition of both penalties.

Present law provides for affirmative defenses.

Proposed law removes the affirmative defenses.

(Amends R.S. 14:43.5)