

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2869 Session of
1992

INTRODUCED BY SAURMAN, VROON, CARLSON, NOYE, DeLUCA, PITTS,
E. Z. TAYLOR, HARPER, JOHNSON, STEELMAN, HERSHEY, GEIST,
NAHILL, BELFANTI, LEH, MRKONIC, McHUGH, WILSON, BROWN AND
ARMSTRONG, JUNE 24, 1992

REFERRED TO COMMITTEE ON JUDICIARY, JUNE 24, 1992

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, providing mandatory
3 sentences for certain offenses committed by persons having
4 HIV or AIDS.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Title 42 of the Pennsylvania Consolidated
8 Statutes is amended by adding a section to read:

9 § 9719.1. Sentences for offenses committed by persons having
10 HIV or AIDS.

11 (a) Mandatory sentence.--A person convicted of the following
12 offenses who knows or should have known that they are HIV (Human
13 Immunodeficiency Virus) positive or infected with the AIDS
14 (Acquired Immune Deficiency Syndrome) virus shall be sentenced
15 to a mandatory term of imprisonment as follows:

16 18 Pa.C.S. § 3121 (relating to rape) - not less than life
17 imprisonment.

18 18 Pa.C.S. § 3122 (relating to statutory rape) - not less

1 than 20 years.

2 18 Pa.C.S. § 3123 (relating to involuntary deviate sexual
3 intercourse) - not less than life imprisonment.

4 (b) Testing procedures.--The court shall order the convicted
5 person to submit to an HIV-related test. The results of the test
6 shall be disclosed to the court, the convicted person and the
7 victim. If the test ordered results in a positive reaction, the
8 court shall sentence the offender as provided in subsection (a).

9 (c) Definitions.--As used in this section, the following
10 words and phrases shall have the meanings given to them in this
11 subsection:

12 "HIV-related test." A laboratory test or series of tests for
13 a virus, antibody, antigen or etiologic agent thought to cause
14 or to indicate the presence of HIV infection or the AIDS virus.

15 "Positive reaction." A positive acquired immune deficiency
16 syndrome (AIDS) test with a positive confirming test result as
17 specified by the Department of Health.

18 Section 2. This act shall take effect immediately.