

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 847 Session of
1999

INTRODUCED BY GREENLEAF, O'PAKE, EARLL, BOSCOLA, HART, COSTA,
WAGNER, HOLL, KASUNIC, ROBBINS, SALVATORE, SLOCUM AND
TOMLINSON, APRIL 27, 1999

AS AMENDED ON THIRD CONSIDERATION, DECEMBER 6, 1999

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, prohibiting criminal transmission of
3 human immunodeficiency virus/acquired immune deficiency
4 syndrome.

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

7 Section 1. Title 18 of the Pennsylvania Consolidated
8 Statutes is amended by adding a section to read:

9 § 2715. Criminal transmission of HIV/AIDS.

10 (A) TRANSMISSION BY SEXUAL INTERCOURSE OR INTRAVENOUS USE OF <—
11 CONTROLLED SUBSTANCES.--A person commits a felony of the third
12 degree when he is knowingly human immunodeficiency virus (HIV)
13 positive or infected with MANIFESTING acquired immune deficiency <—
14 syndrome (AIDS) virus and he engages in sexual intercourse AS <—
15 DEFINED IN SECTION 3101 (RELATING TO DEFINITIONS) or shares a
16 hypodermic needle with a complainant, unless the complainant was
17 informed that the person is HIV positive or infected with the <—
18 AIDS virus MANIFESTING AIDS and consented to the sexual <—

1 intercourse or the sharing of the hypodermic needle.

2 (B) TRANSMISSION BY DONATION OF BODILY FLUIDS.--A PERSON <—
3 COMMITTS A FELONY OF THE THIRD DEGREE IF THE PERSON, AFTER
4 TESTING POSITIVE FOR AIDS OR HIV AND RECEIVING ACTUAL NOTICE OF
5 THAT FACT, KNOWINGLY DONATES OR SELLS OR KNOWINGLY ATTEMPTS TO
6 DONATE OR SELL ANY BLOOD, BLOOD COMPONENTS, PLASMA DERIVATIVES,
7 SEMEN, TISSUE, ORGANS, BREAST MILK OR BODILY FLUID FOR USE BY
8 ANOTHER AND WITH THE INTENT TO EXPOSE ANOTHER TO AIDS OR HIV IN
9 THE EVENT THE DONATION IS UTILIZED EXCEPT AS NECESSARY FOR
10 MEDICAL RESEARCH OR TESTING.

11 (C) TRANSMISSION NOT REQUIRED.--TRANSMISSION OF AIDS OR HIV
12 TO ANOTHER PERSON DOES NOT HAVE TO OCCUR FOR A PERSON TO BE
13 CONVICTED OF A VIOLATION OF THIS SECTION.

14 Section 2. This act shall take effect in 60 days.