

# HOUSE BILL No. 1029

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 35-42-4-10.

**Synopsis:** Felony for HIV transmission. Makes it a Class D felony for a person who knows that the person has the human immunodeficiency virus (HIV) through a diagnosis or otherwise to knowingly or intentionally engage in high risk activities with another person without first informing the other person that the person has HIV or has been diagnosed as having HIV.

**Effective:** July 1, 1998.

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Becker

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January 6, 1998, read first time and referred to Committee on Courts and Criminal Code.

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Introduced

Second Regular Session 110th General Assembly (1998)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1997 General Assembly.

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A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 35-42-4-10 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 1998]: **Sec. 10. (a) As used in this section, "activity that creates an  
4 epidemiologically demonstrated risk of transmission of HIV"  
5 includes the following:**  
6 (1) **The involvement of the sex organ of one (1) individual and  
7 the mouth, anus, or sex organ of another individual.**  
8 (2) **An activity involving the epidemiologically demonstrated  
9 transfer of body fluids that creates a risk of transmission.**  
10 (3) **The:**  
11 (A) **delivery by a person to another person; or**  
12 (B) **use by a person on another person;**  
13 **of a contaminated sharp (as defined in IC 16-41-16-2) or other**  
14 **paraphernalia that creates an epidemiologically demonstrated**  
15 **risk of transmission of HIV by involving percutaneous contact.**  
16 (b) **As used in this section, "HIV" refers to the human**  
17 **immunodeficiency virus and includes acquired immune deficiency**

1998

IN 1029—LS 6248/DI 76+



1        **syndrome (AIDS) and AIDS related complex.**  
2        **(c) A person who:**  
3            **(1) knows the person has HIV or has been informed of a**  
4            **diagnosis of HIV; and**  
5            **(2) knowingly or intentionally engages in an activity that**  
6            **creates an epidemiologically demonstrated risk of transmission**  
7            **of HIV to another individual, without first informing the other**  
8            **individual that the person has HIV or has been informed of a**  
9            **diagnosis of HIV;**  
10        **commits a Class D felony.**

