

JAN 25 2012

A BILL FOR AN ACT

RELATING TO OFFENSES AGAINST THE PERSON.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Chapter 707, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§707-A Knowing exposure to HIV. (1) A person commits
5 the offense of knowing exposure to the human immunodeficiency
6 virus (HIV) if a person:

7 (a) Engages in sexual penetration, as defined in section
8 707-700, with another person with the intent to expose
9 the other person to HIV; or

10 (b) Shares with another person hypodermic syringes or
11 needles used for parenterally injecting prohibited
12 controlled substances, as defined in section 329-1,
13 into the human body, with the intent to expose the
14 other person to HIV.

15 (2) In any prosecution under this section, it is an
16 affirmative defense if the person exposed to HIV knew that the
17 infected defendant was infected with HIV and the person



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1 thereafter consented to being exposed to HIV by the defendant.

2 Actual transmission of HIV is not required under this section.

3 (3) Knowing exposure to HIV is a class C felony."

4 SECTION 2. This Act does not affect rights and duties that
5 matured, penalties that were incurred, and proceedings that were
6 begun before its effective date.

7 SECTION 3. New statutory material is underscored.

8 SECTION 4. This Act shall take effect upon its approval.

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Report Title:

HIV; Human Immunodeficiency Virus; Penal Code; Offenses Against the Person

Description:

Establishes the class C felony offense of knowing exposure to HIV.

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