

HOUSE BILL 216

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7lr1239
CF 7lr1238

By: **Delegates Morhaim, Anderson, Aumann, Beitzel, Benson, Bohanan, Bromwell, Burns, Cane, Cardin, Costa, DeBoy, Donoghue, Elliott, Frank, Hammen, Healey, Jennings, Jones, Kach, Kelly, Kipke, Kullen, Lafferty, Lawton, Malone, McDonough, Montgomery, Nathan-Pulliam, Oaks, Pena-Melnyk, Pendergrass, Riley, Stein, Stull, Tarrant, Weir, and Weldon**

Introduced and read first time: January 29, 2007

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **HIV Testing – Prohibited Exposure – Victims**

3 FOR the purpose of including a forensic scientist who works under the direction of a
4 law enforcement agency within the list of possible victims of prohibited
5 exposure to HIV; including a forensic scientist who works under the direction of
6 a law enforcement agency within the definition of a public safety worker
7 required to test for HIV in the event of a certain exposure; and generally
8 relating to victims of prohibited HIV exposure.

9 BY repealing and reenacting, with amendments,
10 Article – Criminal Procedure
11 Section 11–107
12 Annotated Code of Maryland
13 (2001 Volume and 2006 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article – Health – General
16 Section 18–338.3(a)(8)
17 Annotated Code of Maryland
18 (2005 Replacement Volume and 2006 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
2 MARYLAND, That the Laws of Maryland read as follows:

3 **Article – Criminal Procedure**

4 11–107.

5 (a) In Part II of this subtitle the following words have the meanings
6 indicated.

7 (b) “Charged” means to be the subject of an indictment, an information, or a
8 petition alleging a delinquent act.

9 (c) “Health officer” has the meaning stated in § 1–101 of the
10 Health – General Article.

11 (d) “HIV” means any human immunodeficiency virus that causes Acquired
12 Immune Deficiency Syndrome (AIDS).

13 (e) (1) “Prohibited exposure” means a crime or delinquent act that may
14 have caused or resulted in exposure to HIV.

15 (2) “Prohibited exposure” includes:

16 (i) contact that occurs on penetration, however slight, between
17 the penis and the vulva or anus; and

18 (ii) contact between the mouth and the penis, vulva, or anus.

19 (f) (1) “Victim” means the victim of a prohibited exposure.

20 (2) “Victim” includes:

21 (i) a law enforcement officer who is exposed to HIV while acting
22 in the performance of duty; [and]

23 (ii) a paid or volunteer firefighter, an emergency medical
24 technician, or rescue squad member who is exposed to HIV while acting in the
25 performance of duty; **AND**

1 **(III) A FORENSIC SCIENTIST, WORKING UNDER THE**
2 **DIRECTION OF A LAW ENFORCEMENT AGENCY, WHO IS EXPOSED TO HIV WHILE**
3 **ACTING IN THE PERFORMANCE OF DUTY.**

4 (g) “Victim’s representative” means:

- 5 (1) the parent of a victim who is a minor;
- 6 (2) the legal guardian of a victim; or
- 7 (3) the person authorized to give consent for the victim under § 5–605
8 of the Health – General Article.

9 **Article – Health – General**

10 18–338.3.

11 (a) (8) “Public safety worker” means:

- 12 (i) A career or volunteer member of a fire, rescue, or emergency
13 medical services department, company, squad, or auxiliary;
- 14 (ii) A law enforcement officer; [or]
- 15 (iii) The State Fire Marshal or a sworn member of the State Fire
16 Marshal’s office; **OR**

17 **(IV) A FORENSIC SCIENTIST THAT WORKS UNDER THE**
18 **DIRECTION OF A LAW ENFORCEMENT AGENCY.**

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 October 1, 2007.