

HOUSE BILL 712

E1

71r1678

By: **Delegate McKee**

Introduced and read first time: February 8, 2007

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Substantive Offenses – Knowingly Exposing Another**
3 **Individual to a Sexually Transmitted Disease or Infection**

4 FOR the purpose of prohibiting a certain person from knowingly exposing another
5 individual to a certain sexually transmitted disease or infection under certain
6 circumstances unless the person makes a certain disclosure at a certain time
7 and the other individual gives a certain consent; establishing a certain penalty;
8 defining certain terms; and generally relating to exposure to sexually
9 transmitted disease or infection.

10 BY adding to

11 Article – Health – General

12 Section 18–602.1

13 Annotated Code of Maryland

14 (2005 Replacement Volume and 2006 Supplement)

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

17 **Article – Health – General**

18 **18–602.1.**

19 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE**
20 **MEANINGS INDICATED.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2) **“SEXUAL ACTIVITY” MEANS VAGINAL INTERCOURSE, ANAL**
2 **INTERCOURSE, ANALINGUS, CUNNILINGUS, OR FELLATIO.**

3 (3) **“SEXUALLY TRANSMITTED DISEASE OR INFECTION”**
4 **INCLUDES GONORRHEA, HERPES, CHLAMYDIA, SYPHILIS, HEPATITIS OF ANY**
5 **TYPE, HUMAN IMMUNODEFICIENCY VIRUS (HIV), OR ACQUIRED IMMUNE**
6 **DEFICIENCY SYNDROME (AIDS).**

7 **(B) A PERSON WHO HAS A SEXUALLY TRANSMITTED DISEASE OR**
8 **INFECTION MAY NOT KNOWINGLY EXPOSE ANOTHER INDIVIDUAL TO INFECTION**
9 **BY MEANS OF SEXUAL ACTIVITY UNLESS, PRIOR TO THE SEXUAL ACTIVITY:**

10 **(1) THE PERSON WHO HAS THE SEXUALLY TRANSMITTED DISEASE**
11 **OR INFECTION DISCLOSES TO THE OTHER INDIVIDUAL THAT THE PERSON HAS**
12 **THE SEXUALLY TRANSMITTED DISEASE OR INFECTION; AND**

13 **(2) THE OTHER INDIVIDUAL CONSENTS TO THE SEXUAL ACTIVITY**
14 **DESPITE FULL UNDERSTANDING OF THE DISCLOSURE.**

15 **(C) A PERSON WHO VIOLATES SUBSECTION (B) OF THIS SECTION IS**
16 **GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT**
17 **EXCEEDING \$2,500 OR IMPRISONMENT NOT EXCEEDING 3 YEARS OR BOTH.**

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