

HOUSE BILL 1253

J1

71r3137

By: **Delegate Schuler**

Introduced and read first time: February 22, 2007

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **HIV Testing – Prohibited Exposure – Forensic Scientists**

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; and generally relating to forensic scientists prohibitively
6 exposed to HIV.

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

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

14 **Article – Criminal Procedure**

15 11–107.

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

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (c) "Health officer" has the meaning stated in § 1-101 of the Health –
2 General Article.

3 (d) "HIV" means any human immunodeficiency virus that causes Acquired
4 Immune Deficiency Syndrome (AIDS).

5 (e) (1) "Prohibited exposure" means a crime or delinquent act that may
6 have caused or resulted in exposure to HIV.

7 (2) "Prohibited exposure" includes:

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

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

11 (f) (1) "Victim" means the victim of a prohibited exposure.

12 (2) "Victim" includes:

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

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

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

21 (g) "Victim's representative" means:

22 (1) the parent of a victim who is a minor;

23 (2) the legal guardian of a victim; or

24 (3) the person authorized to give consent for the victim under § 5-605
25 of the Health – General Article.

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