

# HOUSE BILL 1253

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By: **Delegate Schuler**

Introduced and read first time: February 22, 2007

Assigned to: Rules and Executive Nominations

Re-referred to: Judiciary, March 5, 2007

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Committee Report: Favorable

House action: Adopted

Read second time: March 20, 2007

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## CHAPTER \_\_\_\_\_

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.

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**EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.**

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

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

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

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

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

11 (2) “Prohibited exposure” includes:

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

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

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

16 (2) “Victim” includes:

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

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

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

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

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

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

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

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

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.