

SENATE BILL 693

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71r1238
CF HB 216

By: **Senators Zirkin, Britt, Colburn, Dyson, Harris, and Middleton**

Introduced and read first time: February 2, 2007

Assigned to: Education, Health, and Environmental Affairs

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)

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

21 **Article – Criminal Procedure**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 11-107.

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

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

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

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

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

12 (2) "Prohibited exposure" includes:

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

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

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

17 (2) "Victim" includes:

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

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

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

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

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

