

CHAPTER 227

(House Bill 216)

AN ACT concerning

HIV Testing – ~~Prohibited Exposure – Victims~~ Forensic Scientist

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

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

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

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

~~Article – Criminal Procedure~~

~~11-107.~~

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

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

~~(e) "Health officer" has the meaning stated in § 1-101 of the Health General Article.~~

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

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

~~(2) "Prohibited exposure" includes:~~

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

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

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

~~(2) "Victim" includes:~~

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

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

~~(iii) A FORENSIC SCIENTIST, WORKING UNDER THE DIRECTION OF A LAW ENFORCEMENT AGENCY, WHO IS EXPOSED TO HIV WHILE ACTING IN THE PERFORMANCE OF DUTY.~~

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

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

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

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

Article - Health - General

18-338.3.

(a) (8) "Public safety worker" means:

(i) A career or volunteer member of a fire, rescue, or emergency medical services department, company, squad, or auxiliary;

(ii) A law enforcement officer; [or]

(iii) The State Fire Marshal or a sworn member of the State Fire Marshal's office; **OR**

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

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

Approved by the Governor, April 24, 2007.