

CHAPTER 97

(House Bill 1253)

AN ACT concerning

HIV Testing – Prohibited Exposure – Forensic Scientists

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

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 11–107
Annotated Code of Maryland
(2001 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.

(c) “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.

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

Approved by the Governor, April 10, 2007.