

WEST VIRGINIA LEGISLATURE

2021 REGULAR SESSION

Introduced

House Bill 2073

BY DELEGATE SYPOLT

[Introduced February 10, 2021; Referred to the
Committee on Health and Human Resources then the
Judiciary]

1 A BILL to amend and reenact §16-4-20 of the Code of West Virginia, 1931, as amended, relating
 2 to making it a felony to knowingly expose another individual to HIV without his or her
 3 informed consent; establishing criminal penalties; and imposing civil liability.

Be it enacted by the Legislature of West Virginia:

ARTICLE 4. SEXUALLY TRANSMITTED DISEASES.

§16-4-20. Communication of disease; certificate; prohibiting knowing and willful exposure of another to HIV; criminal penalties; civil penalties.

1 (a) It shall be is unlawful for any person suffering with an infectious venereal disease to
 2 perform any act which exposes another person to infection with said disease, or knowingly to
 3 infect or expose another person to infection with such disease; and no physician, health officer or
 4 other person shall may give any certificate showing a person to be free from a venereal disease,
 5 but ~~such~~ the certificate shall simply state the results of tests and examinations that may have
 6 been made, and what tests were made to arrive at the results stated.

7 (b) An individual who, knowing that he or she is infected with the human immunodeficiency
 8 virus (HIV), willfully performs any act which exposes another person to HIV without that person's
 9 informed consent is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state
 10 correctional facility not less than one nor more than five years, and fined not less than \$1,000, nor
 11 more than \$5,000. In addition to any criminal penalties imposed under this subsection, the court
 12 may order any individual convicted under this subsection to pay all or any portion of the cost of
 13 medical, psychological or psychiatric treatment of the victim, the need for which results from the
 14 act or acts for which the defendant is convicted, regardless of whether the victim is considered to
 15 have sustained bodily injury.

NOTE: The purpose of this bill is to make it a felony to knowingly expose another individual to HIV without his or her consent; to impose penalties therefor; and to impose civil liability.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.