

SENATE BILL 693

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7lr1238
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

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 28, 2007

CHAPTER _____

1 AN ACT concerning

2 **HIV Testing - ~~Prohibited Exposure - Victims~~ Forensic Scientist**

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)

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.



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~~

~~(HH) 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.