



Judiciary II - Criminal Law Committee

Filed: 3/12/2009

09600HB0230ham001

LRB096 03181 RLC 22185 a

1 AMENDMENT TO HOUSE BILL 230

2 AMENDMENT NO. _____. Amend House Bill 230 on page 1, by
3 inserting immediately below line 3 the following:

4 "Section 3. The Criminal Code of 1961 is amended by
5 changing Section 12-16.2 as follows:

6 (720 ILCS 5/12-16.2) (from Ch. 38, par. 12-16.2)

7 Sec. 12-16.2. Criminal Transmission of HIV. (a) A person
8 commits criminal transmission of HIV when he or she, knowing
9 that he or she is infected with HIV:

10 (1) engages in intimate contact with another;

11 (2) transfers, donates, or provides his or her blood,
12 tissue, semen, organs, or other potentially infectious body
13 fluids for transfusion, transplantation, insemination, or
14 other administration to another; or

15 (3) dispenses, delivers, exchanges, sells, or in any other
16 way transfers to another any nonsterile intravenous or

1 intramuscular drug paraphernalia.

2 (b) For purposes of this Section:

3 "HIV" means the human immunodeficiency virus or any other
4 identified causative agent of acquired immunodeficiency
5 syndrome.

6 "Intimate contact with another" means the exposure of the
7 body of one person to a bodily fluid of another person in a
8 manner that could result in the transmission of HIV as
9 determined by the medical judgment of a physician.

10 "Intravenous or intramuscular drug paraphernalia" means
11 any equipment, product, or material of any kind which is
12 peculiar to and marketed for use in injecting a substance into
13 the human body.

14 (c) Nothing in this Section shall be construed to require
15 that an infection with HIV has occurred in order for a person
16 to have committed criminal transmission of HIV.

17 (d) It shall be an affirmative defense that the person
18 exposed knew that the infected person was infected with HIV,
19 knew that the action could result in infection with HIV, and
20 consented to the action with that knowledge.

21 (e) A person who commits criminal transmission of HIV
22 commits a Class 2 felony.

23 (Source: P.A. 86-897.)".