

# HOUSE . . . . . No. 1427

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## The Commonwealth of Massachusetts

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In the Year Two Thousand Nine  
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An Act relative to the deliberate spread of contagious diseases..

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1           SECTION 1. Chapter 265 of the General Laws, as most recently amended by chapter  
2   205 of the acts of 2008, is hereby amended by inserting after section 47 the following new  
3   section:—

4           Section 48. (a) No person who is or has been afflicted with acquired immunodeficiency  
5   syndrome (AIDS), AIDS related complexities (ARC), or other manifestations of human  
6   immunodeficiency virus (HIV) infection, so called, shall engage in one or more of the following  
7   activities:

8           (1) Knowingly engaging in sexual intercourse without first informing the partner of his  
9   infection;

10          (2) Knowingly committing an act of prostitution with another person;

11          (3) Knowingly selling or donating blood, blood products, semen, tissue, organs, and other  
12   bodily fluids;

13           (4) Knowingly sharing with another person a hypodermic needle or syringe without first  
14 informing the person that the syringe has been used by a person infected with HIV.

15           A violation of this section shall be punished by imprisonment in state prison for a period  
16 of no less than five years and nor more than 15 years or by a fine of no less than \$5000 and no  
17 more than \$15,000, or both.

18           (b) Any person who is convicted of violating section 22, 22A, 22B, 22C, or 23 of this  
19 chapter and is afflicted with AIDS, ARC, or other manifestations of HIV infection at the time of  
20 the crime may be subject to an increase of five years to the term of imprisonment.

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