MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Representative Hines

To: Judiciary B

HOUSE BILL NO. 19

AN ACT TO AMEND SECTION 97-27-14, MISSISSIPPI CODE OF 1972, TO REVISE THE CRIME OF ENDANGERMENT FOR KNOWINGLY EXPOSING ANOTHER PERSON TO INFECTIOUS BODY FLUIDS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 97-27-14, Mississippi Code of 1972, is amended as follows:

97-27-14. (1) It shall be unlawful for any person to knowingly expose another person to human immunodeficiency virus (HIV), hepatitis B or hepatitis C. Prior knowledge and willing consent to the exposure is a defense to a charge brought under this paragraph. A violation of this subsection shall be a felony.

(2) (a) A person commits the crime of endangerment by bodily substance if the person attempts to cause or knowingly causes a corrections employee, a visitor to a correctional facility or another prisoner or offender to come into contact with blood, seminal fluid, urine, feces or saliva.

(b) As used in this subsection, the following definitions shall apply unless the context clearly requires otherwise:

(i) "Corrections employee" means a person who is an employee or contracted employee of a subcontractor of a department or agency responsible for operating a jail, prison, correctional facility or a person who is assigned to work in a jail, prison or correctional facility.

(ii) "Offender" means a person who is in the custody of the Department of Corrections.

(iii) "Prisoner" means a person confined in a county or city jail.

(c) A violation of this subsection is a misdemeanor unless the person violating this section knows that he is infected with human immunodeficiency virus (HIV), hepatitis B or hepatitis C, and such contact is with blood or seminal fluid, in which case it is a felony.

(* * *3) Any person guilty of a misdemeanor for violation of this * * * act shall be punished by imprisonment in the county jail for up to one (1) year and may be fined One Thousand Dollars ($1,000.00), or both.

(* * *4) Any person convicted of a felony for violation of this * * * act shall be imprisoned for not less than three (3) years nor more than ten (10) years and a fine of not more than Ten Thousand Dollars ($10,000.00), or both.

(5) The provisions of this section shall be in addition to any other provisions of law for which the actions described in this section may be prosecuted.

SECTION 2. This act shall take effect and be in force from and after July 1, 2021.