

**HOUSE . . . . . No. 1427**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

**Bradley H. Jones, Jr.**

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*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to the deliberate spread of contagious diseases.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Viriato Manuel deMacedo	1st Plymouth
Bradley H. Jones, Jr.	20th Middlesex
George N. Peterson, Jr.	9th Worcester
Elizabeth Poirier	14th Bristol
Paul K. Frost	7th Worcester
Susan Williams Gifford	2nd Plymouth
Bradford R. Hill	4th Essex
Jeffrey Davis Perry	5th Barnstable
Richard J. Ross	9th Norfolk
Todd M. Smola	1st Hampden
Robert S. Hargraves	1st Middlesex

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 1508 OF 2007-2008.]

## The Commonwealth of Massachusetts

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In the Year Two Thousand and 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 205 of the  
2 acts of 2008, is hereby amended by inserting after section 47 the following new section:—

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

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

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

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

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

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

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

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