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Senate Bills 1160 through 1162 (as introduced 11-26-24)

Sponsor: Senator Jeremy Moss (S.B. 1160)  
Senator Stephanie Chang (S.B. 1161)  
Senator Jeff Irwin (S.B. 1162)

Committee: Civil Rights, Judiciary, and Public Safety

Date Completed: 12-9-24

## **CONTENT**

**Senate Bill 1160 would repeal Section 5210 of the Public Health Code, which prescribes felony and misdemeanor penalties for individuals who knowingly engage in anal or vaginal intercourse without disclosing their human immunodeficiency virus (HIV) status, with the intent to transmit HIV or acting in reckless disregard.**

**Senate Bill 1161 would amend the Michigan Penal Code to modify a Michigan Compiled Law reference to Section 5210 of the Public Health Code, which would be repealed under Senate Bill 1160.**

**Senate Bill 1162 would delete sentencing guidelines in the Code of Criminal Procedure for the felony penalties proposed to be repealed by Senate Bill 1160.**

Senate Bills 1161 and 1162 are tie-barred to Senate Bill 1160.

### **Senate Bill 1160**

Under Section 5120 of Public Health Code, a person who knowingly has HIV who engages in anal or vaginal intercourse with another person without having first informed the other person that he or she has HIV with the specific intent that the uninfected person contract HIV is guilty of a felony.

Further, a person who knows that he or she has HIV who, without having first informed the other person that he or she has HIV, engages in vaginal or anal intercourse, and transmits HIV to an uninfected person causing that person to become HIV positive, acts with reckless disregard and is guilty of a felony. A person who knows that he or she has HIV who, without having first informed the other person that he or she has HIV, engages in vaginal or anal intercourse, and who acts with reckless disregard but does not transmit HIV, is guilty of a misdemeanor punishable by up to one years' imprisonment or a maximum fine \$1,000, or both. A person who knows that he or she has HIV who is adherent with the treatment plan of an attending physician and has been medically suppressed per accepted medical standards is not acting with reckless disregard.

The bill would repeal Section 5210.

MCL 333.5210 (repealed) (S.B. 1160)  
750.449a (S.B. 1161)  
777.13k (S.B. 1162)

Legislative Analyst: Eleni Lionas

## **FISCAL IMPACT**

The bills would have no fiscal impact on State or local government, nor State or local courts.

Fiscal Analyst: Joe Carrasco, Jr.  
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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.