

**S.B. 50**

**ENHANCED PENALTIES FOR HIV POSITIVE OFFENDER AMENDMENTS**

Senator **Jerry W. Stevenson** proposes the following amendments:

1. *Page 1, Lines 16 through 17:*

16 prostitute, or sexual solicitation, who {~~"knew or should have known" of the~~} is HIV  
17 positive {~~test results~~}, is guilty of a third degree felony;

2. *Page 2, Lines 41 through 43:*

41 A person who is an HIV positive individual {~~and~~} [has actual knowledge] {~~knew or should~~  
42 have known} {~~of that fact~~} [and has received written personal notice of the positive test results  
43 from a law enforcement agency pursuant to Section 76-10-1312] at the time of the offense and is convicted  
of:

3. *Page 3, Lines 61 through 62:*

61 (2) "HIV positive individual" means a person who {~~is HIV positive~~} [and has actual  
62 knowledge of his disease] has an HIV infection as determined under Subsection (1).

4. *Page 3, Lines 77 through 79:*

77 sentencing hearing in the presence of the judge and counsel only] by :  
(a) the local law enforcement  
78 agency {~~.~~} :  
(b) the Department of Corrections , for offenders confined in any state prison {~~, or~~} :  
(c) the state Department of Health {~~.~~} : or  
(d) {~~by~~} an authorized  
79 representative of any of {~~these~~} the agencies listed in this Subsection (1).