

State of Wisconsin



1997 Assembly Bill 866

Date of enactment: **June 12, 1998**
Date of publication*: **June 25, 1998**

1997 WISCONSIN ACT 276

AN ACT to create 939.622 of the statutes; relating to: committing a serious sex crime while infected with human immunodeficiency virus, acquired immunodeficiency syndrome or a sexually transmitted disease and providing a penalty.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 939.622 of the statutes is created to read:

939.622 Committing a serious sex crime while infected with acquired immuno deficiency syndrome, HIV or a sexually transmitted disease. (1) In this section:

(a) "HIV" means any strain of human immunodeficiency virus, which causes acquired immunodeficiency syndrome.

(b) "Serious sex crime" means a violation of s. 940.225 (1) or (2), 948.02 (1) or (2) or 948.025.

(c) "Sexually transmitted disease" means syphilis, gonorrhea, hepatitis B, hepatitis C or chlamydia.

(d) "Significantly exposed" means sustaining a contact which carries a potential for transmission of a sexually transmitted disease or HIV by one or more of the following:

1. Transmission, into a body orifice or onto mucous membrane, of blood; semen; vaginal secretions; cerebrospinal, synovial, pleural, peritoneal, pericardial or amniotic fluid; or other body fluid that is visibly contaminated with blood.

2. Exchange, during the accidental or intentional infliction of a penetrating wound, including a needle punc-

ture, of blood; semen; vaginal secretions; cerebrospinal, synovial, pleural, peritoneal, pericardial or amniotic fluid; or other body fluid that is visibly contaminated with blood.

3. Exchange, into an eye, an open wound, an oozing lesion, or other place where a significant breakdown in the epidermal barrier has occurred, of blood; semen; vaginal secretions; cerebrospinal, synovial, pleural, peritoneal, pericardial or amniotic fluid; or other body fluid that is visibly contaminated with blood.

(2) The maximum term of imprisonment for a serious sex crime may be increased by not more than 5 years if all of the following apply:

(a) At the time that he or she commits the serious sex crime, the person convicted of committing the serious sex crime has a sexually transmitted disease or acquired immunodeficiency syndrome or has had a positive test for the presence of HIV, antigen or nonantigenic products of HIV or an antibody to HIV.

(b) At the time that he or she commits the serious sex crime, the person convicted of committing the serious sex crime knows that he or she has a sexually transmitted disease or acquired immunodeficiency syndrome or that he or she has had a positive test for the presence of HIV, antigen or nonantigenic products of HIV or an antibody to HIV.

* Section 991.11, WISCONSIN STATUTES 1995-96: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

(c) The victim of the serious sex crime was significantly exposed to HIV or to the sexually transmitted disease, whichever is applicable, by the acts constituting the serious sex crime.

(3) This section provides for the enhancement of the maximum term of imprisonment provided for the under-

lying crime. The court shall direct that the trier of fact find a special verdict as to all of the issues specified in sub. (2).

SECTION 2. Initial applicability.

(1) This act first applies to serious sex crimes committed on the effective date of this subsection.
