

SENATE BILL No. 442

By Senator Sykes

2-2

1 AN ACT concerning crimes, punishment and criminal procedure; relating
2 to exposing another to a communicable disease; modifying the
3 elements of such crime to include otherwise lawful or unlawful sexual
4 intercourse or sodomy; increasing the penalties for such crime;
5 amending K.S.A. 21-5424 and repealing the existing section.

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7 *Be it enacted by the Legislature of the State of Kansas:*

8 Section 1. K.S.A. 21-5424 is hereby amended to read as follows: 21-
9 5424. (a) It is unlawful for an individual, who knows oneself to be
10 infected with a life threatening communicable disease, to:

11 (1) Engage in sexual intercourse or sodomy with another individual
12 with the intent to expose that individual to that life threatening
13 communicable disease, *regardless of whether such sexual intercourse or*
14 *sodomy is otherwise lawful or unlawful*;

15 (2) sell or donate one's own blood, blood products, semen, tissue,
16 organs or other body fluids with the intent to expose the recipient to a life
17 threatening communicable disease; or

18 (3) share with another individual a hypodermic needle, syringe, or
19 both, for the introduction of drugs or any other substance into, or for the
20 withdrawal of blood or body fluids from, the other individual's body with
21 the intent to expose another person to a life threatening communicable
22 disease.

23 (b) Violation of this section is a severity level 7 4, person felony.

24 (c) As used in this section:

25 (1) "Sexual intercourse" shall not include penetration by any object
26 other than the male sex organ; and

27 (2) "sodomy" shall not include the penetration of the anal opening by
28 any object other than the male sex organ.

29 Sec. 2. K.S.A. 21-5424 is hereby repealed.

30 Sec. 3. This act shall take effect and be in force from and after its
31 publication in the statute book.