

FEB 26 1997

JUDICIARY

HOUSE FILE 369
BY SCHRADER

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act establishing the knowing transmission of the human
2 immunodeficiency virus as attempted murder and providing a
3 penalty.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 369

1 Section 1. Section 707.11, Code 1997, is amended to read
2 as follows:

3 707.11 ATTEMPT TO COMMIT MURDER.

4 1. A person commits a class "B" felony when, with the
5 intent to cause the death of another person and not under
6 circumstances which would justify the person's actions, the
7 person does any act by which the person expects to set in
8 motion a force or chain of events which will cause or result
9 in the death of the other person.

10 2. For the purposes of this section, "any act" includes an
11 act engaged in by an actor in a manner capable of transmitting
12 the human immunodeficiency virus, as determined by the centers
13 for disease control and prevention of the United States
14 department of health and human services and adopted by rule of
15 the Iowa department of public health, when the actor knew at
16 the time of the commission of the act that the actor's human
17 immunodeficiency virus status was positive and the other
18 person did not know at the time of commission of the act that
19 the actor's human immunodeficiency virus status was positive.

20 3. It is not a defense to an indictment for attempt to
21 commit murder that the acts proved could not have caused the
22 death of any person, provided that the actor intended to cause
23 the death of some person by so acting, and the actor's
24 expectations were not unreasonable in the light of the facts
25 known to the actor.

26 EXPLANATION

27 The bill establishes the knowing transmission of the human
28 immunodeficiency virus as attempted murder, which is a class
29 "B" felony.

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