



SENATE BILL No. 296

January 28, 1993, Introduced by Senators BOUCHARD and WELBORN and referred to the Committee on Judiciary.

A bill to amend Act No. 328 of the Public Acts of 1931, entitled as amended

"The Michigan penal code,"

as amended, being sections 750.1 to 750.568 of the Michigan Compiled Laws, by adding section 520n.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Act No. 328 of the Public Acts of 1931, as
2 amended, being sections 750.1 to 750.568 of the Michigan Compiled
3 Laws, is amended by adding section 520n to read as follows:

4 SEC. 520N. (1) IF AN INDIVIDUAL VIOLATES SECTION 520B,
5 520C, 520D, 520E, OR 520G AND THE INDIVIDUAL KNOWS AT THE TIME OF
6 THE VIOLATION THAT HE OR SHE HAS BEEN DIAGNOSED AS HAVING
7 ACQUIRED IMMUNODEFICIENCY SYNDROME OR THAT HE OR SHE IS HIV
8 INFECTED, THE COURT MAY IMPOSE A TERM OF IMPRISONMENT OF NOT MORE

1 THAN 3 YEARS IN ADDITION TO AND CONSECUTIVE WITH ANY TERM OF
2 IMPRISONMENT IMPOSED FOR THE UNDERLYING VIOLATION.

3 (2) THIS SECTION DOES NOT PROHIBIT AN INDIVIDUAL FROM BEING
4 CHARGED WITH, CONVICTED OF, OR PUNISHED FOR ANY OTHER VIOLATION
5 OF LAW COMMITTED BY THAT INDIVIDUAL WHILE VIOLATING THIS
6 SECTION.

7 (3) AS USED IN THIS SECTION, "HIV INFECTED" MEANS THE STATUS
8 OF AN INDIVIDUAL WHO HAS TESTED POSITIVE FOR HUMAN IMMUNODEFI-
9 CIENCY VIRUS, AS EVIDENCED BY EITHER A DOUBLE POSITIVE
10 ENZYME-LINKED IMMUNOSORBENT ASSAY TEST, COMBINED WITH A POSITIVE
11 WESTERN BLOT ASSAY TEST, OR A POSITIVE RESULT UNDER A HUMAN IMMU-
12 NODEFICIENCY VIRUS TEST CONSIDERED RELIABLE BY THE FEDERAL CEN-
13 TERS FOR DISEASE CONTROL AND IS APPROVED BY THE DEPARTMENT OF
14 PUBLIC HEALTH.