

CS/HB 165 – Sexually Transmissible Diseases

Amends s. 384.23, F.S., defining sexual conduct as “conduct between persons, regardless of gender, which is capable of transmitting a sexually transmissible disease, including, but not limited to, contact between a...penis and a vulva or an anus; or...mouth and a penis, a vulva, or an anus.” It also amends s. 384.24, F.S., adding human papillomavirus and hepatitis to the list of sexually transmissible diseases and replacing all instances of “intercourse” with “conduct,” thus expanding the kinds of unlawful acts that can be committed when a person infected with a sexually transmissible disease knowingly engages in sexual conduct with another person who has not been informed of the infection.

There are two felonies under s. 384.34(5), F.S. that are impacted by the inclusion of sexual conduct. The first is an unranked, 3rd degree felony for committing this act while knowingly being infected with the human immunodeficiency virus (s. 384.24(2), F.S.). The second is an unranked, 1st degree felony for committing multiple violations with this infection.

Per DOC, in FY 15-16, there were 4 (adj.) offenders sentenced under the unranked, 3rd degree felony, and 1 (adj.) of these offenders was sentenced to prison (sentence length=48.0 m, incarceration rate: 25.0% adj.-25.0% unadj.). There was 1 (adj.) offender sentenced under the unranked, 1st degree felony, and that offender was sentenced to prison (sentence length=31.0 m, incarceration rate: 100%). It is unknown how many additional offenders would be affected by this law.

CONFERENCE ADOPTED ESTIMATE: Positive Insignificant

Requested by: House