

1 State of Arkansas
2 81st General Assembly
3 Regular Session, 1997
4
5 By: Senator Webb

A Bill

SENATE BILL 744

For An Act To Be Entitled

9 "AN ACT TO ESTABLISH A CIVIL CAUSE OF ACTION AGAINST A
10 PERSON WHO KNOWINGLY TRANSMITS THE HERPES SIMPLEX VIRUS -
11 TYPE 2 TO ANOTHER PERSON BY ENGAGING IN SEXUAL PENETRATION
12 WITH THE PERSON WITHOUT FIRST HAVING INFORMED THE OTHER
13 PERSON OF THE PRESENCE OF HERPES SIMPLEX VIRUS - TYPE 2 ;
14 AND FOR OTHER PURPOSES."

Subtitle

15
16
17 "TO ESTABLISH A CIVIL CAUSE OF ACTION
18 AGAINST A PERSON WHO KNOWINGLY TRANSMITS
19 THE HERPES SIMPLEX VIRUS - TYPE 2 TO
20 ANOTHER PERSON."

21
22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

23
24 SECTION 1. (a) A person who is infected with the herpes simplex virus
25 - type 2 by another person shall have a civil cause against that person if
26 that person knowingly transmits the herpes simplex virus - type 2 by engaging
27 in sexual penetration without first having informed the other person of the
28 active presence of herpes simplex virus - type 2.

29 (b) As used in this act, "sexual penetration" means sexual intercourse,
30 cunnilingus, fellatio, anal intercourse, or any other intrusion, however
31 slight, of any part of a persons body or of any object into the genital or
32 anal openings of another persons body, but emission of semen is not required.

33
34 SECTION 2. All provisions of this act of a general and permanent nature
35 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
36 Revision Commission shall incorporate the same in the Code.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36

SECTION 3. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

SECTION 4. All laws and parts of laws in conflict with this act are hereby repealed.