

# Alaska State Legislature

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State Affairs Committee  
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*A Communication From*  
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**SPONSOR STATEMENT CSHB 258(HES)**  
**"An Act relating to aggravating factors at sentencing."**  
**By Representative Bob Lynn**  
**Released: March 24, 2006**

CSHB 258(HES) would make sexual assault by persons who have been previously diagnosed as having or having tested positive for HIV or AIDS an aggravating factor at sentencing.

Sexual assault is painful enough. The mere possibility of HIV-transmission – accompanied by the sheer terror of six months or more of testing that may reveal a life-threatening infection – raises this crime to a more heinous level.

How or why a perpetrator of rape or sexual assault acquired HIV/AIDS is not the issue. The sexual orientation of the perpetrator is not the issue. Any perceived stigma someone associates with this life-threatening disease – by a person guilty or innocent – is not the issue. Those topics are not the issue and have nothing whatsoever to do with this bill.

This bill is only – and I repeat only – about whether a convicted rapist or sexual predator previously diagnosed with HIV/AIDS should be subject to an aggravating factor at sentencing for their horrific and life-changing crime.

Across the nation, those entrusted with the safety and public health of Americans are realizing the devastating effects of sexual assault by persons infected with this life-threatening, sexually transmitted disease.

Twenty-seven states and selected possessions have some type of law that specifically criminalizes the exposure or transmission of HIV in their jurisdictions, according to a 2000 report from the HIV Criminal Law and Policy Project.

Everything possible and practical should be done to deter such criminals, or at least make sure these offenders are put behind bars for a long time.

This bill is needed to protect all of us, but especially those most at risk, women who are the victims of rape. Your favorable consideration of CSHB 258(HES) is respectfully requested.