EXHIBIT 6
DATE 1/31/05
HB 363

1-20-05

TO: Rep. Eaton

FROM: John MacMaster

I was just told that you were concerned that the version of the assault with a bodily fluid bill I drafted for you that you picked up for introduction was different than the version I sent you for initial review. The difference is that I struck through the words "or knowingly" in the second line of the section. During his legal review after your initial review, Greg Petesch pointed out that if a person at an accident, in an ER unit, or on an operating table is awake and spurts blood on a health care provider, that person KNOWS that such a thing can very well happen and is thus, under the section as it read with "or knowingly" in it, guilty of the offense. Same thing if a prison inmate is severely cut and spurts blood on a guard who helps stop the bleeding. So I struck through "or knowingly". This left "purposely", under which you have to have the conscious object that the blood get on the other person.