



Prosecutions for HIV Exposure in the United States, 2008–2010

(List is illustrative, not exhaustive)

DATE	STATE	TYPE OF EXPOSURE	LAW	DESCRIPTION & OUTCOME
May 2010	OK	Spitting	Spreading Infectious Disease and Knowingly Engaging to Transfer HIV	A man claiming to be HIV-positive was booked on four felony complaints after moving his head to throw blood at emergency medical workers. He is also alleged to have spit blood at the workers during his rescue and treatment for injuries from a fire. [Shannon Muchmore, <i>Man Who Says He Has HIV Allegedly Spits on Emergency Workers</i> , TULSA WORLD, May 23, 2010, http://www.tulsaworld.com/news/article.aspx?subjectid=11&articleid=20100523_298_0_Amanwh547994]
May 2010	AR	Spitting	Aggravated assault and exposing another to HIV.	A 41-year old, HIV+ man was arrested after spitting blood at a police officer. He is currently facing charges of aggravated assault and exposing another to HIV. [Gavin Lesnick, <i>HIV-positive Man Spits Blood at Police Officer, report says</i> , ARKANSASONLINE.COM, May 12, 2010, http://www.arkansasonline.com/news/2010/may/12/hiv-positive-man-spits-blood-officer-report-says/?latest]
May 2010	MI	Biting	Bioterrorism	A HIV+ man was charged with bioterrorism for biting his neighbor during an argument. The man refused to take a plea that would have dropped the bioterrorism charge for a felony assault charge that could carry 10 years in jail. The outcome is still pending. [MLive.com 5/9/10]
Mar. 2010	TX	Sex	Aggravated Sexual Assault of a child.	A 49-year-old HIV+ man, who was aware of his HIV status, was charged with having unprotected sex with a minor. The charge became “aggravated” because of his HIV status, making it a felony. [Houston Chronicle 3/22/10]
Mar. 2010	MN	Sex	Assault	A 28-year-old HIV+ man was charged with assault after failing to tell his partners his HIV status prior to having unprotected consensual sex. One partner tested positive for HIV. [Star Tribune 3/24/10]
Mar. 2010	AR	Sex	Knowingly Exposing Another to HIV	A 33-year-old HIV+ man was arrested for having unprotected sex with a woman, knowing he had HIV, and failing to inform her of his illness. Woman has now tested positive for HIV. Pled not guilty; sentenced to 20 years in prison. [Times Record Online 3/11/10] [Times Record Online 9/17/09]
Mar. 2010	MI	Sex	Failing to Disclose HIV Status to Sexual Partner	A 54-year-old HIV+ woman allegedly failed to tell her sexual partner that she had HIV. [The Morning Sun 3/11/10]
Mar. 2010	MD	Sex	Knowingly Exposing Others to HIV	A 29-year-old HIV+ man was sentenced to 18 months in prison after he knowingly exposed an 18-year-old woman to the HIV virus. [Gazette.net 3/10/10]
Mar. 2010	NJ	Sex	Third Degree Diseased Person Charge (HIV Specific)	A 20-year-old HIV+ man charged with having “high risk sexual behavior” with a female without her informed consent. [LehighValleyLive.com 3/10/10]
Mar. 2010	OH	Sex	Loitering to Engage in Sexual Activity Being HIV Positive and Soliciting with Previous Conviction Being HIV Positive	A 38-year-old HIV+ woman was charged with attempted solicitation. [Chicago Tribune 3/10/10]
Mar. 2010	IN	Donating Plasma	Donating Plasma when Knowing HIV+ Status	A 39-year-old HIV+ woman plead not guilty to donating plasma in 2008, though she had been diagnosed with HIV since 2005. [Chicago Tribune 3/9/09]
Feb. 2010	FL	Sex	Failing to Disclose HIV Status to Sexual Partner	A 45-year-old HIV+ man pled not guilty to a first degree felony charge for allegedly failing to tell his sexual partner that he was HIV position. [POZ 2/24/10]

Feb. 2010	IN	Sex	Failure of Carriers Duty to Warn	A HIV+ man had sexual relations with a woman without telling her he was HIV+ [Chicago Tribune 2/10/10]; pled guilty, sentence pending. [Chicago Tribune 2/24/10]
Dec. 2009	IA	Sex	Criminal Transmission of HIV (transmission need not occur)	A 38-year-old HIV+ man was charged with a felony after he allegedly failed to tell his sexual partner is HIV status. [wfcourier.com 12/23/09]
Nov. 2009	MI	Sex	AIDS-sexual penetration with an Uninformed Partner	A 21-year-old HIV+ man had consensual sexual relations; pled guilty and sentenced to 9 months in jail. [Midland Daily News 11/18/2009]
Nov. 2009	SC	Sex	Knowingly Exposing Another to HIV	A man was sentenced for knowingly exposing his wife to HIV; sentenced to 6 years in prison. Wife did not contract HIV. [The Augusta Chronicle 9/14/09]
Oct. 2009	SC	Sex	Knowingly Exposing Another to HIV	A 24-year-old HIV positive man exposed another to HIV. [WMFBNews.com 10/27/09]
Oct. 2009	PA	Spitting	Aggravated Assault (HIV and prisoner specific)	A HIV and Hepatitis C positive woman was charged after she spit in the face of another inmate; sentenced to 21 months to 10 years in prison. [citizensvoice.com 10/15/09] [Wyoming County Press Examiner 9/9/09]
Oct. 2009	VA	Sex	Aggravated Assault (HIV Specific). Court Martial (Military)	Two women, including ex-wife, chose to have consensual, unprotected sex with a Military Officer, knowing that he had HIV. The man was sentenced to 3 months in confinement and a bad conduct discharge after pleading guilty to two counts of aggravated assault and disobeying an order. The order was for him to have sex only with the use of protection. Neither woman contracted HIV. [Virginian Pilot 10/7/09]
Sept. 2009	IL	Sex	Criminal Transmission of HIV	A 42-year-old HIV+ man had sex with a 19-year-old woman with allegedly failing to inform the woman that he was HIV+. Unknown if the woman has tested positive for HIV. Criminal statute applies even if the sex partner is not subsequently infected with HIV. [Journal Gazette Times Courier 9/21/09] Pled Guilty; sentenced to 6 years in prison. [Herald Review 2/6/10]
Sept. 2009	ID	Sex	Knowingly Exposing Another to HIV	A 44-year-old HIV+ man pled guilty to two felony charges of exposing women to HIV. Sentenced to 30 years in prison with the possibility of parole after 20 years. At least one woman was not infected with HIV. [Idahostatesman.com 9/17/09]
Sept. 2009	OH	Sex	Loitering to Engage in Prostitution with the Knowledge that He/She Has Tested Positive for HIV	A 25-year-old HIV+ man was arrested for prostitution. It was later discovered that the man knew he was HIV positive. [Dayton Daily News 9/11/09]
Sept. 2009	SC	Sex	Knowingly Engaging in Sexual Intercourse without Disclosing HIV Status	A 35-year-old HIV+ man had sexual relations with a woman without telling her that he was HIV positive. [WMBFNews.com 9/11/09].
Sept. 2009	TN	Spitting	Criminal Exposure to HIV	A HIV+ man spit blood at a police officer while being arrested for burglary. [Chicago Tribune 9/4/09] [myeyewitnessnews.com 9/3/09]
Aug. 2009	GA	Biting	Aggravated Assault	A 42-year-old, HIV+ man was sentenced to 18 months for aggravated assault after he bit an Atlanta police officer. He allegedly shouted "I have full-blown AIDS" and bragged that he had infected the officer. The police officer did not test positive for HIV. [Stephanie Ramage, <i>Too Lenient?</i> , SUNDAYPAPER.COM, Aug., 30, 2009, http://www.sundaypaper.com/DesktopModules/DnnForge%20%20NewsArticles/Print.aspx?tabid=98&tabmoduleid=940&articleid=4452&moduleid=922&PortalID=0]
Aug. 2009	FL	Biting	Aggravated battery on a law enforcement officer (not HIV-specific) [Originally charged with attempted murder]	35-year-old HIV+ man bit a police officer and drew blood while trying to avoid being arrested; officer tested negative; sentenced to 15 years. [Miami Herald 8/26/09]

Aug. 2009	FL	Sex	Committing Prostitution while HIV Positive (3 rd Degree Felony with possibility of maximum of 5 years in prison)	A 32-year-old woman was arrested for working as a prostitute while she knew she was HIV positive. [Palm Beach Post 8/21/09]
Aug. 2009	FL	Sex	Failing to Inform a Sexual Partner of One's Known HIV Status	A 39-year-old HIV+ woman was arrested for having unprotected sex with a man without disclosing her HIV status. [Ocala.com 8/14/09]
Aug. 2009	MN	Sex	Knowing transfer of communicable disease	39-year-old HIV+ man had sex with girlfriend w/o disclosing his HIV status; girlfriend tested negative; ex-wife tested positive [Duluth News Tribune 8/11/09]; pled guilty; sentenced to 90 days in jail. [POZ Magazine 10/29/09]
July 2009	SC	Biting	Assault and Intent to Kill	A 41-year-old HIV-positive man was charged with assault and intent to kill after biting his neighbor. An original charge of simple assault was upgraded after it was discovered that the assailant was HIV-positive. This case is pending. [Greg Suskin, <i>Charges Upgraded Against HIV Positive Man After Fight</i> , wsocTV.com, July 29, 2009, http://www.wsocTV.com/news/20147162/detail.html]
July 2009	WA	Sex	Assault (HIV-specific)	An HIV+ man had unprotected sex with other men w/o disclosing his HIV status; pending. [The Spokesman-Review 7/15/09]
July 2009	OR	Sex	Assault and attempted assault (not HIV-specific)	21-year-old HIV+ man had unprotected sex with woman w/o disclosing his HIV status; pled guilty; woman tested positive for HIV; sentenced to 2 yrs in prison, 3 yrs post-prison supervision, sex offender evaluation [The Oregonian 7/17/09]
July 2009	VT	Spitting	Aggravated assault against a police officer	31-year-old HIV+ man spat on police officer while being restrained for treatment after police responded to possible drug overdose; pending [Times Argus 7/30/09]
June 2009	NC	Biting	Assault inflicting serious bodily injury & assault with a deadly weapon	A 45-year-old HIV+ man cut a police officer's thumb and bit the police officer's ear during an altercation; pending [The News & Observer 6/21/09]
June 2009	NY	Spitting	Aggravated assault on a police officer by means of a deadly weapon (saliva)	HIV+ man allegedly spat on police officer while being subdued for erratic behavior after learning HIV diagnosis; took 10-year plea deal & reserved right to appeal; appeal pending [Information from defendant and defense counsel]
June 2009	OH	Spitting	Harassment by inmate (HIV-specific; not limited to inmates)	HIV+ man spat on police officer and EMT while being subdued for erratic behavior after suicide attempt; atty challenging validity of statute; pled no contest; sentenced to 60 days house arrest in Sept. 2009 [Information from defense counsel]
May 2009	AR	Sex	Knowingly transmitting AIDS, HIV	HIV+ teenage boy had sex with teenage girl w/o disclosing his HIV status; being tried as an adult; pending [4029tv.com 5/19/09]
May 2009	OH	Sex	Felonious assault (HIV-specific)	HIV+ man had sex with woman w/o disclosing his HIV status; appeal pending; atty challenging constitutionality of statute [Information from defense counsel]
May 2009	TX	Sex	Aggravated assault (not HIV-specific). Assault with a deadly weapon.	53-year-old HIV+ man had sex with multiple women w/o disclosing HIV status; at least 6 women tested positive for HIV [Dallas Morning News 5/28/09]; sentenced to 5 45-yr and 1 25-yr prison terms [Dallas Morning News 5/30/09]
May 2009	FL	Sex	Unlawful acts (HIV-specific)	HIV+ woman had sex with multiple men w/o disclosing her HIV status; pending [Orlando Sentinel 5/8/09]
May 2009	IA	Sex	Criminal transmission of HIV (transmission need not occur)	HIV+ man had sex one time with man he met online; was under influence of drugs during sex; not clear if condom was used; other man not HIV+ after testing; received 25-year sentence & must register as sex offender [wfcourier.com 5/2/09]; later released on 5 yrs probation after reconsideration hearing on Sept. 11, 2009 [accesslineiowa.com 9/14/09]; the HIV+ man is now listed as a sex offender.

April 2009	MI	Sex	Sexual penetration w/ knowledge of AIDS or HIV infection	An HIV+ woman employed at a sex club had sex w/ multiple partners w/o disclosing her HIV status; [Michigan Live 4/29/09]; sentenced to 16 mos. to 20 yrs [Niles Daily Star 9/22/09]
Jan. 2009	GA	Sex	Reckless conduct by HIV infected persons	38-year-old HIV+ man had sex with a woman w/o disclosing his HIV status; woman agreed to unprotected sex with man who lived in housing program for people with HIV; woman tested negative; pled guilty; sentenced to 2 yrs in prison and 8 yrs probation [macon.com 1/13/09]
Dec. 2008	MI	Sex	Failing to Disclose HIV Status to Sexual Partners	A 38-year-old HIV+ woman pled guilty to failing to inform her sexual partners of her HIV status. She was sentenced to time already served, 68 days. [mlive.com 12/10/08]
Dec. 2008	CO	Sex	Child abuse resulting in serious injury (not HIV-specific)	33-year-old HIV+ man had sex with pregnant fiancée w/o disclosing his HIV status; both mother and baby tested positive for HIV [GJSentinel.com 12/23/08]; sentenced to 15 yrs in July 2009 [GJSentinel.com 7/18/09]
Dec. 2008	NE	Sex	Manufacturing child pornography (not HIV-specific)	48-year-old HIV+ man had consensual sex with 17-year-old boy w/o disclosing his HIV status; videotaped sexual encounter; boy tested positive for HIV; sentenced to 20 years (cut to 10 per state sentencing guidelines) [Omaha World Herald 12/22/08]
Oct. 2008	OK	Biting	Knowingly Engaging to Transfer HIV	A 50-year old, HIV-positive woman was arrested in October 2008 after biting a security guard and attempting to spread the virus. The outcome of this case is unknown. [Jay Marks, <i>HIV-positive Woman Faces Felony for Bite</i> , NEWSOk, Oct. 8, 2008, http://newsok.com/hiv-positive-woman-faces-felony-for-bite/article/3308838]
Oct. 2008	MS	Sex	Endangerment by bodily substance (HIV-specific)	HIV+ African-American woman had sex with white husband over many years w/o disclosing her HIV status; husband alerted police when woman tried to get custody of son in divorce proceeding; husband and son both tested negative; pled guilty; 10-year sentence w/ 9 suspended; one year house arrest [Clarion Ledger 5/16/08, 10/7/08]
Sept. 2008	MI	Sex	Sexual penetration w/ knowledge of AIDS or HIV infection	A 32-year-old HIV+ man had sex with two women w/o first disclosing his HIV status; HIV status of women unknown. [mlive.com 9/5/08] He was sentenced to 2 months in jail. [mlive.com 2/3/09]
Aug. 2008	NC	Sex	Charges Related to Controlling the Spread of HIV	A 23-year-old, HIV+ man was sentenced to 30 months of probation for having unprotected sex with numerous partners. He was later sentenced to six months of house arrest for further acts of unprotected sex. [Gay DJ put on house arrest for second HIV violation, WRAL.COM, Oct. 21, 2008, http://www.wral.com/news/news_briefs/story/3781930/]
Aug. 2008	NH	Spitting	Simple assault	24-year-old man of unknown HIV status spat in police officer's face; sentenced to 2-5 yrs in prison; required to pay for officer's HIV test and apologize to officer [The Citizen of Laconia 8/11/08]
July 2008	GA	Spitting	Aggravated assault (not HIV-specific)	43-year-old HIV+ woman spat in face of other person; allegedly yelled, "I hope you get AIDS"; sentenced to 3 yrs [Ledger-Enquirer 7/22/08]
June 2008	MD	Biting	Knowingly transfer or attempt to transfer HIV	44-year-old HIV+ man bit police officer while being arrested on warrant; officer tested negative for HIV; sentenced to 18 years [gazette.net 6/4/08]
May 2008	TX	Spitting	Harassing a public servant (not HIV-specific) with deadly weapon (saliva)	42-year-old HIV+ homeless man spat on police officer during arrest for public intoxication; sentenced to 35 years (25-year minimum under habitual offender law); must serve at least half because of deadly weapon finding; waived right to appeal [NY Times 5/16/08, information from defense counsel]; Unpublished decision on appeal of deadly weapon finding (denied), 2009 WL 2025344 (Tex. App. 2009)

May 2008	TX	Biting	Aggravated robbery (not HIV-specific)	26-year-old HIV+ man bit security guard after being stopped for shoplifting; outcome unknown [nbc5i.com 5/31/08]
May 2008	AR	Sex	Knowingly transmitting AIDS (text of statute refers to exposure)	33-year-old HIV+ man had sex with girlfriend and another woman w/o disclosing his HIV status; both women tested negative for HIV; sentenced to 12 years and must register as sex offender [The Morning News 5/1/08]
April 2008	KY	Biting	Wanton endangerment (not HIV-specific)	HIV+ woman bit store clerk while robbing store; clerk tested negative for HIV; sentenced to 12 years total, 2 of which was for wanton endangerment [wkvt.com 4/8/08]
Mar. 2008	SC	Sex	Exposing others to HIV	39-year-old HIV+ man had sex with girlfriend w/o disclosing his HIV status; girlfriend tested positive for HIV during prenatal visit; pled guilty; sentenced to 4 years [goupstate.com 3/21/08]
Feb. 2008	MO	Sex	Prohibited acts (HIV-specific)	43-year-old HIV+ man had sex with a woman w/o disclosing his HIV status; outcome unknown [kspr.com 2/12/08]
Jan. 2008	KS	Sex	Exposing another to a life threatening communicable disease (not HIV-specific)	HIV+ man had sex with two women w/o disclosing his HIV status; defendant thought he posed no risk b/c infection was "under control" w/ meds; both women tested negative for HIV; sentenced to 32 months for each of two counts [Emporia Gazette 1/17/08]; conviction reversed by Kansas Supreme Court on 6/19/09 on specific intent issue, <i>State v. Richardson</i> , 209 P.3d 696 (Kan. 2009)