Timeline of State Reforms and Repeals of HIV Criminal Laws

States with most significant changes to their HIV laws

**1994: Texas**
- The first state to repeal its HIV specific law; legislative history indicates one representative included it in an omnibus crime bill.
- Repeal did not end prosecutions. PLHIV in Texas prosecuted for HIV exposure since repeal have been charged with attempted murder, aggravated assault.

**2012: Illinois**
- Narrowed types of prohibited contact to vaginal and anal intercourse.
- PLHIV must have intent to transmit HIV and engage in the acts listed in the statute (anal/vaginal intercourse, organ/blood donation).
- Disclosure of HIV status or using a condom is now a defense to prosecution, but difficult to prove in court.
- Other forms of prevention not considered, although could be evidence of lack of intent to transmit.
- Intercourse without disclosure of status and without a condom can still be a felony (up to 7 years).

**2014: Iowa**
- Removed the sex offender registration requirement, including retroactively.
- Did not affect felony convictions of those already convicted and incarcerated.
- Added defense to prosecution if a person took practical measures to prevent transmission (e.g., prophylactic device, viral suppression).
- Still HIV-specific, but added new felonies for people living with TB, hepatitis, and meningococcal disease.
- Exposure with intent to transmit when transmission occurs is still a felony (up to 25 years). Intentional exposure without transmission is a felony (up to 5 years).
- Exposure with a "reckless disregard" about whether transmission occurs is a felony if transmission occurs (up to 5 years), and a misdemeanor (up to one year) if transmission does not occur.

**2016: Colorado**
- Reduced the maximum authorized sentence enhancement to double the sentence for PLHIV who are charged with an underlying sex offense if transmission occurs.
- Intent to transmit is not required for prosecution.
- Eliminated felony offenses involving sex work and HIV, and mandatory HIV testing for someone accused of engaging in sex work.

**2017: California**
- Extensive reform reduced penalties for intentional exposure, solicitation, and performing sex work from felonies to misdemeanors.
- It is no longer a felony to donate blood, tissue, semen, or breast milk.
- Prosecution requires specific intent to transmit coupled with conduct likely to transmit and transmission results.
- Provides privacy protections for PLHIV charged under current law.

**2018: Michigan**
- Reform removed types of physical contact likely transmit HIV.
- Anal or vaginal sex without first disclosing status with a "specific intent" to transmit is a felony (up to 4 years). Transmission is not required for prosecution.
- Reckless exposure: sexual activity prior to disclosure resulting in transmission but without intent to transmit is a felony (up to 4 years).
- PLHIV who can show that they have been virally suppressed for at least six months and are following their physician’s treatment plan may use that as a defense to prove that they did not act with reckless disregard. Does not apply to acting with intent to transmit provisions of the new law.

**2018: North Carolina**
- No HIV-specific criminal statute. PLHIV are required to comply with public health administrative regulations and “control measures.” Violating these regulations is a misdemeanor (up to 2 years).
- PLHIV must disclose their status and use condoms unless certain exceptions apply: they have been virally suppressed for at least six months, their partner is taking pre-exposure prophylaxis (PrEP), or their partner is also HIV positive.
- Neither intent to transmit nor transmission is required for public health violations.

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