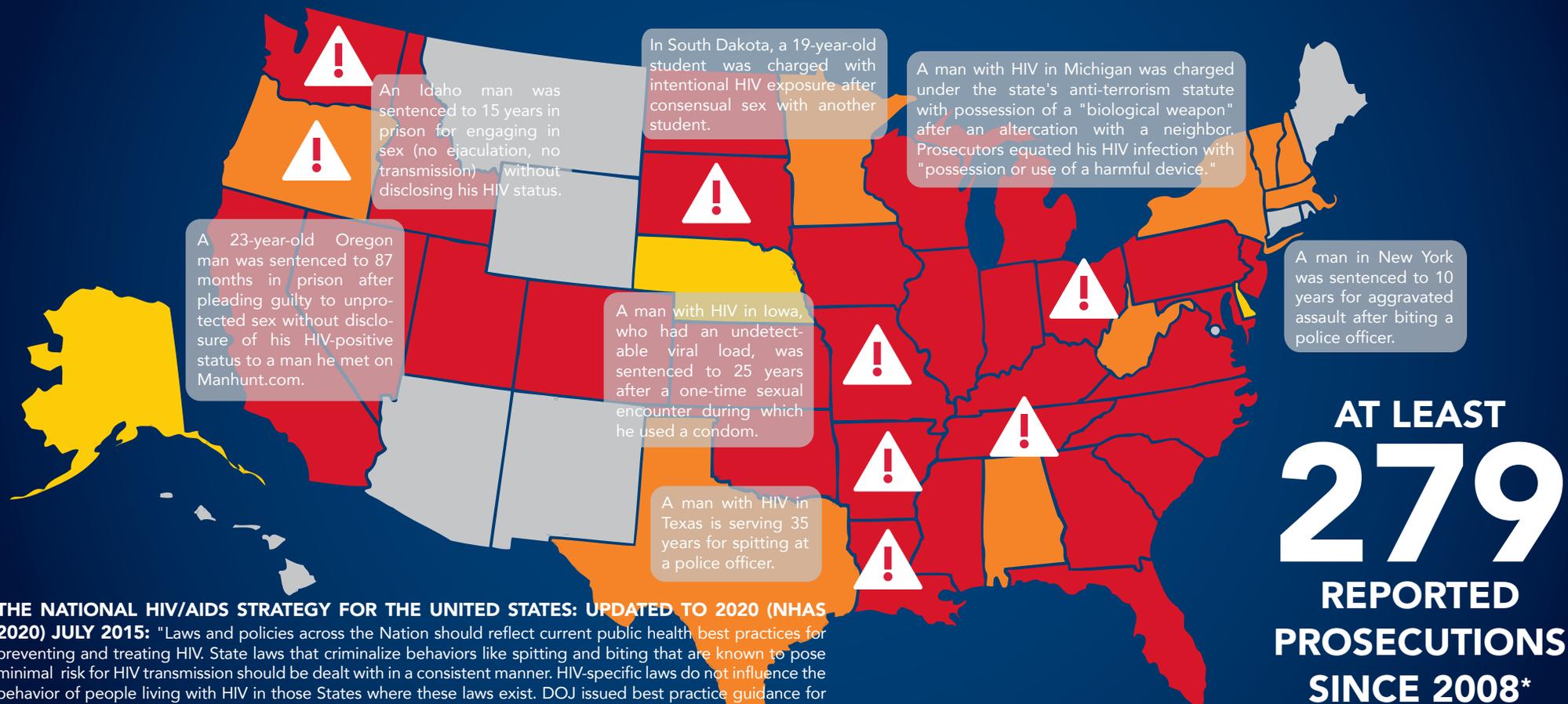


WHEN SEX IS A CRIME AND SPIT IS A DANGEROUS WEAPON

A SNAPSHOT OF HIV CRIMINALIZATION IN THE UNITED STATES



An Idaho man was sentenced to 15 years in prison for engaging in sex (no ejaculation, no transmission) without disclosing his HIV status.

In South Dakota, a 19-year-old student was charged with intentional HIV exposure after consensual sex with another student.

A man with HIV in Michigan was charged under the state's anti-terrorism statute with possession of a "biological weapon" after an altercation with a neighbor. Prosecutors equated his HIV infection with "possession or use of a harmful device."

A 23-year-old Oregon man was sentenced to 87 months in prison after pleading guilty to unprotected sex without disclosure of his HIV-positive status to a man he met on Manhunt.com.

A man with HIV in Iowa, who had an undetectable viral load, was sentenced to 25 years after a one-time sexual encounter during which he used a condom.

A man in New York was sentenced to 10 years for aggravated assault after biting a police officer.

A man with HIV in Texas is serving 35 years for spitting at a police officer.

THE NATIONAL HIV/AIDS STRATEGY FOR THE UNITED STATES: UPDATED TO 2020 (NHAS 2020) JULY 2015: "Laws and policies across the Nation should reflect current public health best practices for preventing and treating HIV. State laws that criminalize behaviors like spitting and biting that are known to pose minimal risk for HIV transmission should be dealt with in a consistent manner. HIV-specific laws do not influence the behavior of people living with HIV in those States where these laws exist. DOJ issued best practice guidance for States that wish to reform their HIV-specific criminal statutes, and legislators should reconsider whether existing laws continue to further the public interest and public health. In too many instances, the existence and enforcement of these types of laws run counter to scientific evidence about routes of HIV transmission and effective measures of HIV prevention, and undermine the public health goals of promoting HIV screening and treatment. In jurisdictions where HIV-specific laws remain, prosecutors should also exercise more discretion in dismissing blatantly stigmatizing and discriminatory cases against people living with HIV." The recommendations include: "State legislatures should review HIV-specific criminal statutes to ensure that they are consistent with current scientific knowledge of HIV transmission and support public health approaches to preventing and treating HIV."

- HIV-SPECIFIC STATUTE, AT LEAST ONE PROSECUTION IN PAST TWO YEARS
- HIV-SPECIFIC STATUTE, NO RECENT REPORTED PROSECUTIONS
- HIV-RELATED PROSECUTIONS, THOUGH NO HIV-SPECIFIC STATUTE
- ⚠ PUNISHMENT INCLUDES SEX OFFENDER REGISTRATION

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*The total number of arrests and prosecutions from 2008-2016 reported here are illustrative, not a precise count. It is impossible to track all such arrests and prosecutions as there is no uniform system of monitoring and reporting them. The numbers represent those cases that are searchable in news and legal databases or that otherwise have come to the attention of the authors.