

...dge to Rule if Bite
...m HIV-positive Mar
...unts as Bioterrorism

*...e Charge is Murder,
...e Weapon, AIDS*

...REAKING NEWS

Positive Woman Charged with Pr

Charged with Hiding HIV

Man Charged with
Spit as Deadly Weapon

**HIV Predator Served
Time for Crime but
May be Confined for**

Authorities say Man remains Dangerous to

HIV CRIMINALIZATION

Are You At Risk?

HIV criminalization makes behavior that is legal for people who do not have HIV, or don't know they have it, **illegal** for HIV+ people. People with HIV are being arrested for having consensual sex and even for things like spitting on another person. **36 states and territories** have HIV-specific criminal laws, but people with HIV also are being prosecuted for assault and other crimes under regular criminal laws.

Most HIV “criminal transmission” or “criminal exposure” laws require HIV+ people to disclose their HIV status to their partners before having any kind of sex, but proving that you disclosed can be tough. These cases often boil down to one person’s word against the other’s.

PROTECT YOURSELF

Proof that you disclosed your HIV status prior to sexual contact may be helpful in court (but is no guarantee). You can:

- Have partners sign a “disclosure acknowledgement” statement
- Save emails or text exchanges demonstrating your disclosure
- Take partners to your doctor or caseworker’s office and ask them to note your partner’s knowledge of your HIV+ status in your case records
- Discuss your HIV+ status in the presence of your partner and third parties who can attest to the disclosure

IF ARRESTED

The moments after an arrest are critical. If you are arrested, or at risk of arrest, on an HIV criminalization charge:

- **Do NOT talk to police or investigators**, including not disclosing your HIV+ status, without your lawyer present
- **Do NOT give a statement to the police or investigators** no matter what they promise you—it is *never* to your advantage to give a statement before getting legal representation
- **DO get advice and find a lawyer** by contacting a local HIV legal or service organization, or www.hivlawandpolicy.org/public/initiatives/positivejusticeproject or <http://apps.americanbar.org/legalservices/lris/directory>
- **Do NOT consent to any medical tests** (including blood draws or saliva swabs)
- **Do NOT sign anything** without first consulting your lawyer

MORE INFO

The Positive Justice Project is a national coalition of organizations and individuals working to combat HIV criminalization:

www.hivlawandpolicy.org/public/initiatives/positivejusticeproject

To obtain additional information and/or assistance, please call **Lambda Legal’s Help Desk at 1-866-542-8336 (a toll-free number).**

State-by-state summary of statutes and prosecutions:

<http://www.hivlawandpolicy.org/resources/view/564>



PositiveJusticeProject