

Connecticut

Analysis

No criminal statutes explicitly addressing HIV exposure.

There are no statutes explicitly criminalizing HIV transmission or exposure in Connecticut. However, in some states, people living with HIV have been prosecuted for HIV exposure under general criminal laws, such as reckless endangerment and aggravated assault. At the time of this publication, the authors are not aware of a criminal prosecution of an individual on the basis of that person's HIV status in Connecticut.

A person with a sexually transmitted infection (STI) in a correctional institution may be barred from release.

An individual who is housed in a correctional facility or charitable institution may be barred from release on the basis of infection with a venereal disease.¹ “Venereal disease” is not defined in Connecticut's code—however, it is typically understood to include a range of STIs, such as syphilis and gonorrhea. Like many other states, Connecticut requires standard reporting of various STIs: chancroid, chlamydia, gonorrhea, viral hepatitis, HIV, and syphilis.²

Upon a report from the medical officer and/or physician employed in a correctional or charitable institution that an individual's release “would be dangerous to public health,” the individual may be detained. Their release is not authorized until the medical officer and/or physician reports in writing that the person may be “discharged... without danger to the public health.”³ The criteria to be relied upon by the health care provider in this assessment are not enumerated. As drafted, the statute may be interpreted to enable an individual's indefinite detention simply because an institutional health care provider has concluded that their conduct or condition would pose a “danger to the public health.”⁴

Important note: *While we have made an effort to ensure that this information is current, the law is always changing and we cannot guarantee the accuracy of the information provided. This information may or may not be applicable to your specific situation and, as such, it should not be used as a substitute for legal advice.*

¹ CONN. GEN. STAT. § 18-94 (2016).

² See CONN. DEPT. OF PUBLIC HEALTH, REPORTABLE DISEASE CONFIDENTIAL CASE REPORT, PD-23 (January 2017), available at http://www.ct.gov/dph/lib/dph/infectious_diseases/pdf_forms_/reportablediseases.pdf.

³ CONN. GEN. STAT. § 18-94 (2016).

⁴ *Id.*

General Statutes of Connecticut

Note: Provisions imposing punitive restrictions or listing criminal sentences are denoted with ** and are generally listed first. Thereafter, provisions within a particular title are listed numerically.

TITLE 18, CORRECTIONAL INSTITUTIONS AND DEPARTMENT OF CORRECTIONS

CONN. GEN. STAT. § 18-94 (2016) **

Retention of diseased inmates in correctional or charitable institutions

When the medical officer of, or any physician employed in, any correctional or charitable institution reports in writing to the warden, superintendent or other officer in charge of such institution that any inmate thereof committed thereto by any court or supported therein in whole or in part at public expense is afflicted with any venereal disease so that his discharge from such institution would be dangerous to the public health, such inmate shall, with the approval of such warden, superintendent or other officer in charge, be detained in such institution until such medical officer or physician reports in writing to the warden, superintendent or officer in charge of such institution that such inmate may be discharged therefrom without danger to the public health. During detention the person so detained shall be supported in the same manner as before such detention.