

# New Mexico

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## Analysis

### **There are no statutes explicitly criminalizing HIV or STI transmission or exposure in New Mexico.**

However, in some states, people living with HIV (PLHIV) have been prosecuted for HIV exposure under general criminal laws, such as reckless endangerment and aggravated assault.

At the time of this publication, the only criminal prosecution that the authors are aware of is that of a PLHIV charged with battery for licking the cheek and mouth of a police officer over a decade ago.<sup>1</sup> The news article did not make clear whether the battery charge was based on the woman's HIV status.<sup>2</sup>

***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.*

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<sup>1</sup> *Woman Charged for Licking Officer*, ALBUQUERQUE JOURNAL, Aug. 17 1998, at B8.

<sup>2</sup> *Id.*