

State-by-State Chart of HIV-Specific Laws and Prosecutorial Tools

34 States, 2 Territories, and the Federal Government have HIV-Specific Criminal Laws

Last updated August 2017

Jurisdiction	HIV-Spec	cific Criminal La	w?				STI law ⁱⁱ under Public Health code I = Infraction M = Misdemeanor V = Felony		STI law under	Sex	General	Notes	
	Each stat	te or territory, in w for one or mo	n addition to	o the federal gove ehaviors below qu	ernment, that h	as an HIV-specific n e or territory with a			criminal code M = Misdemeanor F = Felony	Offender Registration	felony laws used to prosecute people with HIV	Notes	
	Sex	Spit/Bite/ Blood Exposure	Needle- sharing	Organ/Blood /Semen Donation	Sex work/ solicitation	Statute for HIV-Specific Sentence Enhancement	Felony and/or Misdemeanor	STI Law with HIV	General STI Law				
Alabama									Yes (M)				
Alaska						Yes	F						
Arizona									Yes (M)				
Arkansas	Yes	Yes	Yes				F				Yes	Yes	It is also a misdemeanor to receive medical/dental care without disclosing positive status.
California	Yes			Yes	Yes	Yes	F		Yes (M)			Yes	
Colorado						Yes	F					Yes	
Connecticut													A person housed in a correctional facility may be barred from release based on infection with a venereal disease
Delaware				Yes			F						
District of Columbia													
Florida	Yes			Yes	Yes	Yes	F	Yes ⁱⁱⁱ (F)				Yes	
Georgia	Yes	Yes	Yes	Yes	Yes		F					Yes	
Hawaii				W			F	(D.4)					
Idaho Illinois	Yes Yes	Yes	Yes	Yes Yes		Yes	F	Yes (M)					
		.,										.,	
Indiana [™] Iowa	Yes Yes	Yes	Yes Yes	Yes		Yes	F/M F/M		Yes (M)			Yes	
Kansas	163		163	163			1,191		ics (Wi)	Yes (F)			Kansas has a broad communicable disease law in its criminal code that makes it a felony to expose another to a "life- threatening communicable disease."
Kentucky		1		Yes	Yes		F/M					Yes	communicable disease.
Louisiana	Yes	Yes					F		Yes (I, M)		Yes	Yes	
Maine									Í				

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Maryland	Yes	Yes	Yes	Yes			М		Yes (M)			Yes	Maryland has a broad HIV exposure law that can be applied to any sort of HIV exposure.
Massachusetts						Yes	F					Yes	Massachusetts has a broad STI sentence enhancement law that has been applied to HIV.
Michigan	Yes			Yes			F						Michigan allows sentence enhancements where sexual assault victims are exposed to STIs, including HIV, but is not HIV specific
Minnesota										Yes (F)			
Mississippi ^v	Yes	Yes	Yes	Yes			F/M						Mississippi has a broad HIV exposure law that can be applied to any sort of HIV exposure.
Missouri	Yes	Yes	Yes	Yes	Yes		F						Missouri also allows subsequent positive tests for other STIs to trigger prosecution without a complaining witness.
Montana		V					-	Yes (M)					
Nebraska ^{vi} Nevada	Yes	Yes Yes	Yes	Yes	Yes		F		Yes (M)				Nevada has a broad HIV exposure law that can

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													be applied to any sort of HIV exposure.
New Hampshire												Yes	
New Jersey ^{vIII}	Yes						F					Yes	
New Mexico													
New York									Yes (M)			Yes	
North Carolina	Yes		Yes	Yes			М		Yes (M)			Yes	North Carolina has an HIV-specific health code section whose violation is a misdemeanor that can lead to up to two years incarceration.
North Dakota	Yes		Yes				F		Yes (M)				
Ohio	Yes	Yes		Yes	Yes		F		Yes (M)		Yes		
Oklahoma	Yes	Yes			Yes		F			Yes (F)		Yes	
Oregon									Yes (F)			Yes	
Pennsylvania		Yes			Yes		F					Yes	
Rhode Island									Yes (M)				
South Carolina	Yes		Yes	Yes	Yes		F		Yes (M)			Yes	
South Dakota	Yes	Yes	Yes	Yes			F		Yes (M)		Yes		
Tennessee	Yes		Yes	Yes	Yes	Yes	F		Yes (M)		Yes		Tennessee also has an HIV-specific quarantine law
Texas												Yes	
Utah		Yes			Yes	Yes	F		Yes (M)				
Vermont									Yes (F)			Yes	
Virginia ^{viii}	Yes			Yes			F/M	Yes (F/M)				Yes	
Washington	Yes	Yes	Yes	Yes			F		Yes (M)		Yes		Washington has a broad HIV exposure law

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													that could include many types of contact.
West Virginia									Yes (M)				
Wisconsin ^{ix}						Yes	F		Yes (M)			Yes	
Wyoming													
American Samoa													
Guam					Yes		F						
Northern Mariana													
Islands													
Puerto Rico													
U.S. Virgin Islands	Yes		Yes	Yes			F						
Federal Law, including U.S. Military				Yes			F					Yes	
Totals:	25	16	17	23	13	10	36	4	21	2	6	23	

¹ Of these 37, 34 have felonies (or relate to felony convictions in the case of sentence enhancement laws). Maryland has a misdemeanor law and North Carolina has an analogous public health code whose violation can lead to up to two years imprisonment.

[&]quot;The only laws included in this category are those under the public health codes that impose criminal punishment for exposure or transmission of STIs including HIV or STIs in general. These laws are predominantly misdemeanors. However, Kansas and Minnesota both have broad felony statutes that criminalize "intentional exposure to life threatening disease" in the case of Kansas, and "knowing transfer of communicable disease" in the case of Minnesota. Both statutes have been used against people living with HIV. Crimes, like those listed here, are classified according to seriousness, starting with infractions and increasing to felonies.

[&]quot;Florida defines "sexually transmitted infections" differently in different statutes and it is not clear which the misdemeanor STI statute incorporates. At least one statutory definition of STI includes HIV.

^{IV} Indiana's felony exposure statute also includes hepatitis B.

^v Mississippi's felony exposure statute also includes hepatitis B and hepatitis C.

vi Nebraska's felony exposure statute also includes hepatitis B and hepatitis C.

vii New Jersey's "Diseased person committing an act of sexual penetration" statute includes "chancroid, gonorrhea, syphilis, herpes virus, or any of the varieties or stages of such diseases" in one section and includes HIV in the next section, as a more serious offense.

wiii While Virginia's donation statute applies to HIV exclusively, the "Infected Sexual Battery" statute includes syphilis and hepatitis B in addition to HIV. ix Wisconsin's aggravating factors statute includes HIV by name, and then generally "sexually transmitted disease."