**The Register's Editorial: Lawmakers should repeal bad HIV law**

By The Register’s Editorial Board

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Sometimes Iowa lawmakers pursue legislation without a good grasp of the long-term implications of their decisions. That occurred in 1998 when the Legislature gave in to a knee-jerk response to a high-profile national news story about a man from New York who was HIV-positive who had intentionally exposed women to the virus.

Lawmakers and Gov. Terry Branstad made it a felony to willingly expose someone to the virus that can cause AIDS.

Since then, that decision has caused problems for Iowans who should never had been singled out by the legislation. Iowans convicted under the statute face 25 years in prison if they know they are infected and still engage in any type of "intimate contact" with another person.

Someone can be found guilty even if he used a condom and the other person did not contract the disease. People upset with their HIV-positive partners after a breakup can use the law to try to punish them.

Now, Iowa ranks near the top of the nation for prosecuting people under similar laws and imposing some of the harshest penalties on them, even though we have relatively few HIV-positive residents in Iowa. The lives of innocent people have been harmed.

Donald Bogardus had unprotected, consensual sex with a partner who did not contract the virus, yet he was charged with criminal transmission of HIV. After facing decades in prison, was recently given a suspended sentence, placed on probation and will have to register as a sex offender. But he did not commit a sex offense and no one was hurt.

Nick Rhoades' doctor told him his HIV was so well under control by drugs that he had a better chance of winning the lottery than spreading the virus. He wore a condom when he had sex, and his partner was not infected, but the man decided to press charges anyway. And Rhoades' legal nightmare continues to this day.

Fortunately, there are state lawmakers from both parties who now realize that making HIV transmission a crime was a mistake the way the law was written. Unfortunately, some want to tinker with an inherently flawed law, which could creating new problems.

Instead, lawmakers should repeal the 1998 law this session and then come back next year and address the complicated issue of spreading infectious diseases, and not just HIV, and how to hand out penalties for someone who may intentionally do so.

Repeal is doable. In February, the Senate approved a bill 48-0 that reduces penalties for HIV-positive people, but it would criminalize transmitting other infectious diseases, including tuberculosis and hepatitis.

In the House, Rep. Chip Baltimore, R-Boone, is working to address concerns he has with the Senate version.

"The existing law is terrible," he said this week. "I have not had anybody come up to me and say 'The existing law is fine.' "

He wants to find a way to make any new law retroactive to help Iowans who were harmed by the 1998 statute.

But figuring this all out is complicated and takes time. Instead of fiddling with something so complex in the waning days of the 2014 session and risk creating more problems, lawmakers should undo the mistake they made 16 years ago by agreeing to a repeal.

That will provide the time to get questions answered, think through the implications of proposed legislation and start fresh next year.