

HIV Criminalization: State Laws Criminalizing Conduct Based on HIV Status

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NOTES: Although Lambda Legal has made efforts to ensure that this chart is complete and accurate as of the revision date, we cannot guarantee the accuracy of the information and this chart is not intended as, and should not be used as a substitute for, legal advice.

The information provided here is a summary of provisions of the referenced statutes. In most instances, the wording used here is wording found in the referenced statutes (one exception is that “HIV” is used for convenience in this chart although the statute may use a different term, such as “AIDS” or “causative agent of AIDS”). Those statutes (and statutes that they reference) should be consulted for more complete information and, in some cases, for definitions of terms.

The focus of this chart is on criminal laws that criminalize conduct by persons who are infected with HIV. The chart includes laws which specifically reference HIV and/or AIDS; in addition, statutes that criminalize conduct based on the status of having a “sexually transmitted infection (STI),” “sexually transmitted disease (STD),” or “venereal disease” have been added, except where the statute specifically does not apply to HIV (due to court decision, statute, or regulation). If criminal penalties can be imposed for violating a law, the law is included in the chart, but if only civil penalties can be imposed the law is not included.

“N/A” means that Lambda Legal did not find a state statute that criminalizes acts specifically due to alleged risk of transmitting HIV (or sexually transmitted infections more generally). However, every state has more generally applicable law(s) that could be used to prosecute someone who knowingly and intentionally exposes another to an excessive risk of harm. In addition to potential criminal liability, a person who transmits HIV to another person or puts another person at risk of HIV infection might face civil liability. This chart does not address any possible bases for civil liability and does not include HIV-specific laws that impose only civil penalties.

Alabama

Ala. Code § 22-11A-21(c)	Class C Misdemeanor	Any person afflicted with an STD who knowingly transmits, assumes the risk of transmitting, or does any act which will probably or likely transmit such disease to another person is guilty of a class C misdemeanor. (HIV included among STDs, see Al. Admin. Code r. 420-4-1-.03.)
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Alaska

Alaska Stat. § 12.55.155(c)(33)	Sentence Enhancement	The sentencing court may impose a sentence above the presumptive range if the offense was a felony sexual offense specified in Alaska Stat. §§ 11.41.410-11.41.455 and the following factors are proven in accordance with this section: the defendant had been previously diagnosed as having or having tested positive for HIV, and the offense either (A) involved penetration, or (B) exposed the victim to a risk or a fear that the offense could result in the transmission of HIV.
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Arizona

N/A

Arkansas

Ark. Code Ann. § 5-14-123	Class A Felony	It is a class A felony for a person who knows that he or she has tested positive for HIV to expose another to HIV (1) through the transfer of blood or blood products or (2) by engaging in sexual intercourse, cunnilingus, fellatio, anal intercourse, or any other intrusion, however slight, of any part of a person's body or of any object into the genital or anal openings of another person's body, without first having informed the other person of the presence of HIV. The emission of semen is not a required element of the crime.
Ark. Code Ann. § 20-15-903	Class A Misdemeanor	A person who is HIV positive must, prior to receiving any health care services of a physician or dentist, advise such physician or dentist that the person has HIV. Failure to do so is a class A misdemeanor.

California

Cal. Health and Safety Code § 120291	Felony	Any person who exposes another to HIV by engaging in unprotected sexual activity (anal or vaginal intercourse without a condom) when the infected person knows at the time of the unprotected sex that he or she is infected with HIV, has not disclosed his or her HIV-positive status, and acts with the specific intent to infect the other person with HIV, is guilty of a felony. A person's knowledge of his or her HIV-positive status, without additional evidence, is not sufficient to prove specific intent.
Cal. Health and Safety Code § 120290	Misdemeanor	Any person afflicted with any contagious, infectious, or communicable disease who willfully exposes him/herself to another person (and any person who willfully exposes another person afflicted with the disease to someone else) is guilty of a misdemeanor.
Cal. Health and Safety Code § 1621.5	Felony	It is a felony for any person who knows that he or she has HIV to donate blood, body organs or other tissue, semen, or breast milk to any medical center, breast milk bank or semen bank. (Does not apply if person is mentally incompetent, donates blood for autologous donation, or self-defers his or her own blood under Cal. Health & Safety Code § 1603.3(b). Also, does not apply to sperm donor covered by Cal. Health & Safety Code § 1644.5(c).)
Cal. Penal Code § 12022.85	Sentence Enhancement	Any person who commits a sexual offense listed in this statute with the knowledge that he or she is infected with HIV at the time of commission shall receive a three-year enhancement for each violation in addition to the sentence provided for the sexual offense itself.
Cal. Penal Code § 647f	Penalty Enhancement	Any person who is charged with soliciting or engaging in prostitution under Cal. Pen. Code § 647(b) shall be also charged with a previous conviction(s) and with having been informed of positive blood test result(s) if: (1) the prior conviction(s) was for violating Cal. Pen. Code § 647 or any other offense listed in Cal. Pen. Code § 1202.1(d); (2) the person was tested for HIV in connection with the prior conviction(s) with positive test results; and (3) the person was informed of that positive test result(s). If the previous conviction and informed test results are found to be true by the trier of fact or are admitted by the defendant, the defendant is guilty of a felony.

Colorado

Colo. Rev. Stat. § 18-3-415.5	Sentence Enhancement	If it is proven beyond a reasonable doubt that a person had notice of his or her HIV infection prior to the date that he or she committed a sexual offense, the judge shall sentence the person to a mandatory term of incarceration of at least three times the upper limit of the presumptive range for the level of offense committed, up to the remainder of the person's life. ("Sexual offense" refers to sexual offenses consisting of sexual penetration as defined in Colo. Rev. Stat. § 18-3-401(6).) (See also Colo. Rev. Stat. § 18-1.3-1004.)
Colo. Rev. Stat. § 18-7-205.7	Class 6 Felony	Any person who, with knowledge of being infected with HIV, patronizes a prostitute is guilty of a class 6 felony. ("Patronizing a prostitute" is defined in Colo. Rev. Stat. § 18-7-205.)
Colo. Rev. Stat. § 18-7-201.7	Class 5 Felony	Any person who, in exchange for money or any other thing of value, performs or offers or agrees to perform, with any person not his/her spouse, any act of sexual intercourse, oral sex, masturbation or anal intercourse and does so with knowledge of having tested positive for HIV, is guilty of a class 5 felony. ("Anal intercourse" is defined in § 18-7-201(2).)

Connecticut

N/A

Delaware

N/A

District of Columbia

N/A

Florida

Fla. Stat. Ann. § 384.24(2)	Third Degree Felony (First Degree if multiple violations) (§ 384.34(5))	It is unlawful for any person who has HIV, with knowledge of such infection and having been informed that he or she may communicate it to others through sexual intercourse, to have sexual intercourse with any other person, unless the other person has been informed of the presence of HIV and has consented to the sexual intercourse.
Fla. Stat. Ann. § 381.0041(11)(b)	Third Degree Felony	Any person who knows he or she has HIV and has been informed that by donating blood, organs or human tissues he or she may communicate HIV to another person and with this knowledge donates blood, organs, plasma, skin or human tissue is guilty of a felony of the third degree.
Fla. Stat. Ann. § 796.08(5)	Third Degree Felony	A person who has tested positive for HIV and knew or had been informed that he or she tested positive and could transmit HIV through sexual activity commits the crime of criminal transmission of HIV if that person commits prostitution, offers to commit prostitution or (by engaging in sexual activity likely to transmit HIV) procures another for prostitution.

Fla. Stat. Ann. § 775.0877	Third Degree Felony	A person who pleads guilty or nolo contendere to, or is convicted of, committing or attempting to commit one of the crimes that is listed in subsection (1) of this statute and involves the transmission of bodily fluids from one person to another, who subsequently tests positive for HIV and is informed of that test result, and who then again commits one of the crimes listed in subsection (1) is guilty of criminal transmission of HIV, a felony of the third degree. The offenses listed in subsection (1) include, among others, sexual assault, incest, child abuse, indecent assault upon a minor child, sexual performance by a minor, and donation of contaminated blood. It is an affirmative defense that the person exposed knew the infected person was infected with HIV, knew the action could result in infection, and consented with that knowledge.
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Georgia

Ga. Code Ann. § 16-5-60(c)	Felony (punishable by imprisonment for not more than 10 years)	Any person who knows that he or she is HIV infected is guilty of a felony if he or she, without first disclosing his or her HIV status, (1) knowingly has sexual intercourse or performs or submits to any sexual act involving the sex organs of one person and the mouth or anus of another person; (2) knowingly shares a hypodermic needle or syringe with another person; (3) offers or consents to perform an act of sexual intercourse for money; (4) solicits another to perform or submit to an act of sodomy for money; or (5) donates blood, blood products, other body fluids, or any body organ or body part.
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Ga. Code Ann. § 16-5-60(d)	Felony (punishable by imprisonment for between 5 & 20 years)	A person who knows he or she is HIV infected who commits an assault with the intent to transmit HIV, using his or her body fluids (blood, semen, or vaginal secretions), saliva, urine, or feces upon a peace or correctional officer while the officer is engaged in the performance of his or her official duties or on account of the officer's performance of his or her official duties is guilty of a felony.
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Hawaii

N/A

Idaho

Idaho Code § 39-608	Felony (punishable by imprisonment in the state prison for a period not to exceed 15 years, by a fine not in excess of \$5000, or both)	Any person who exposes another in any manner with the intent to infect or, knowing that he or she has HIV, transfers or attempts to transfer any of his or her body fluid, tissue or organs to another person is guilty of a felony. It is an affirmative defense that the sexual activity took place between consenting adults after full disclosure by the accused of the risk of HIV transmission. It is also an affirmative defense that the transfer of body fluid, tissue or organs occurred after advice from a licensed physician that the accused was noninfectious. (“Body fluid” means semen, blood, saliva, vaginal secretion, breast milk, and urine. “Transfer” means engaging in sexual activity by genital-genital contact, oral-genital contact, anal-genital contact; or permitting the use of an unsterilized hypodermic syringe, needle, or similar device; or giving blood, semen, body tissue, or organs for purposes of transfer to another person.)
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Illinois

720 Ill. Comp. Stat. § 5/12-16.2	Class 2 Felony	A person who knows that he or she is infected with HIV commits criminal transmission of HIV if he or she (1) engages in contact with another person involving the exposure of the body of one person to a bodily fluid of another in a manner that could result in HIV transmission; (2) transfers, donates or provides his or her blood, tissue, semen, organs or other potentially infectious body fluids for administration (e.g., transfusion) to another person, or (3) in any way transfers to another any nonsterile IV or intramuscular drug paraphernalia. The actual transmission of HIV is not a required element of this crime. It is an affirmative defense that the person exposed knew the infected person was infected with HIV, knew the action could result in infection, and consented with that knowledge.
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Indiana

Ind. Code § 35-42-1-7	Class C Felony, Class A Felony	A person who recklessly, knowingly, or intentionally donates, sells or transfers blood, a blood component, or semen for artificial insemination that contains HIV commits a class C felony, but if it results in the transmission of HIV it is a class A felony. (Does not apply to person who, for reasons of privacy, donates blood to a blood center after the person has notified the blood center that the blood must be disposed of or who transfers HIV positive body fluids for research purposes.)
Ind. Code § 35-42-2-6(e)	Class D Felony, Class C Felony, Class A Felony	A person who knowingly or intentionally in a rude, insolent, or angry manner places (or coerces another to place) blood or another body fluid or waste on a law enforcement or corrections officer, firefighter, or first responder (identified as such and engaged in performance of official duties) commits a class D Felony. If the person knew or recklessly failed to know that the blood, bodily fluid or waste was infected with HIV, it is a class C felony. If the person knew or recklessly failed to know that the blood, bodily fluid or waste was infected with HIV and the offense results in transmission of HIV, it is a class A felony.
Ind. Code § 35-42-2-6(f)	Class A Misdemeanor, Class D Felony, Class B Felony	A person who knowingly or intentionally in a rude, insolent, or angry manner places human blood, semen, urine or fecal waste on another person commits a class A misdemeanor. If the person knew or recklessly failed to know that the blood, semen, urine or fecal waste was infected with HIV, it is a class D felony. If the person knew or recklessly failed to know that the blood, semen, urine or fecal waste was infected with HIV and the offense results in transmission of HIV, it is a class B felony.
Ind. Code § 35-45-16-2(a) & (b)	Class B Misdemeanor, Class D Felony, Class B Felony	A person who recklessly, knowingly, or intentionally places human blood, semen, urine or fecal waste in a location with the intent that another person will involuntarily touch it commits malicious mischief, a class B misdemeanor. If the person knew or recklessly failed to know that the blood, urine, or waste was infected with HIV, it is a class D felony. If the person knew or recklessly failed to know that the waste was infected with HIV and the offense results in the transmission of HIV to the other person, it is a class B felony.

Ind. Code § 35-45-16-2(d)	Class A Misdemeanor, Class D Felony, Class B Felony	A person who recklessly, knowingly, or intentionally places human blood, body fluid, or fecal waste in a location with the intent that another person will ingest it commits malicious mischief with food, a class A misdemeanor. If the person knew or recklessly failed to know that the blood, fluid or waste was infected with HIV, it is a class D felony. If the person knew or recklessly failed to know that the blood, fluid or waste was infected with HIV and the offense results in the transmission of HIV to the other person, it is a class B felony.
Ind. Code Ann. §§ 16-41-7-1, 35-42-1-9	Class B Misdemeanor, Class D Felony	Persons who know of their status as a carrier of HIV have a duty to warn – or cause to be warned by a third party – any past, present, or planned future sexual or needle sharing partners of the following: both the carrier's disease status and the need to seek health care such as counseling and testing. This statute only applies to sexual or needle sharing contact that has been demonstrated epidemiologically to transmit HIV. A person who recklessly violates or fails to comply with this law commits a Class B misdemeanor and a person who knowingly or intentionally violates or fails to comply with this law commits a Class D felony.
Ind. Code § 16-41-14-17	Class C Felony, Class A Felony	A person who, for the purpose of artificial insemination, recklessly, knowingly, or intentionally donates, sells, or transfers semen that contains HIV antibodies commits a Class C felony. The offense is a Class A felony if the offense results in the transmission of the virus to another person. (This does not apply to a person who transfers for research purposes semen that contains HIV antibodies.)

Iowa

Iowa Code § 709C.1	Class B Felony	A person who knows that he or she is infected with HIV commits criminal transmission if he or she: (1) engages in intimate contact with another person; (2) transfers, donates or provides blood, tissue, semen, organs, or other potentially infectious bodily fluids for administration (e.g., transfusion) to another person; or (3) in any way transfers to another person any nonsterile intravenous or intramuscular drug paraphernalia previously used by the person infected with HIV. “Intimate contact” means the intentional exposure of the body of one person to a bodily fluid of another person in a manner that could result in the transmission of HIV. Actual transmission of HIV is not a necessary element of this crime. It is an affirmative defense that the person exposed to HIV knew the other person had HIV, knew the action could result in transmission of HIV, and consented to the action with that knowledge.
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Kansas

Kan. Stat. Ann. § 21-3435	Severity Level 7, Person Felony	It is unlawful for a person who knows he or she is infected with a life threatening communicable disease knowingly to engage in sexual intercourse or sodomy with another individual, to sell or donate one's own blood, blood products, semen, tissue, organs or other body fluids, or to share with another individual a hypodermic needle, syringe, or both with the intent to expose that individual to that life threatening communicable disease. [NOTE: The term “life threatening communicable disease” is not defined. In a case involving a defendant with HIV, the Kan. Supreme Court ruled that the term is not unconstitutionally vague. <i>State v. Richardson</i> , 289 Kan. 118 (2009).]
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Kan. Stat. Ann. § 65-6005	Class C Misdemeanor	A dental health care worker who is HIV positive or otherwise knows or should know that he or she is capable of transmitting HIV, shall not perform or participate directly in an exposure-prone procedure unless counsel has been sought from an expert review panel.
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Kentucky

Ky. Rev. Stat. Ann. § 311.990(24)(b)	Class D Felony	Any person infected with HIV – knowing that he or she is infected and having been informed of the possibility of communicating the infection by donating human organs, skin or other human tissues – who donates organs, skin or other human tissue is guilty of a class D felony.
Ky. Rev. Stat. Ann. § 529.090(3) & (4)	Class D Felony	Any person who commits, offers, agrees to commit or procures another to commit prostitution by engaging in sexual activity in a manner likely to transmit HIV and who, prior to the commission of the crime, had tested positive for HIV and knew or had been informed that he or she had tested positive and could possibly communicate the disease to another through sexual activity, is guilty of a class D felony.

Louisiana

La. Rev. Stat. Ann. § 14:43.5	Not Specified (punishable by a fine not more than \$5000, imprisonment with or without hard labor for not more than 10 years, or both, except as noted in next column.)	It is unlawful for any person to intentionally expose another to HIV through sexual contact or through any means or contact (including spitting, biting, stabbing with an HIV contaminated object, or throwing of blood or other bodily substances) without the knowing and lawful consent of the victim. (If the victim is a police officer, and the offender has reasonable grounds to believe the victim is a police officer acting in performance of his or her duty, fine can be not more than \$6000 and imprisonment can be not more than 11 years, or both.)
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Maine

N/A

Maryland

Md. Code Ann., Health-General § 18-601.1	Misdemeanor (punishable by a fine not exceeding \$2,500 or imprisonment not exceeding 3 years, or both)	A person with HIV who knowingly transfers or attempts to transfer the virus to another individual is guilty of a misdemeanor.
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Massachusetts

Mass. Gen. Laws Ann. § 265 § 22B(f)	Aggravating factors (punishable by imprisonment of 15 years to life)	Whoever has sexual intercourse with a child under 16, and compels such child to submit by force and against his will or compels such child to submit by threat of bodily injury, and the sexual intercourse was committed in a manner in which the victim could contract a sexually transmitted disease or infection of which the defendant knew or should have known he was a carrier, shall be punished by imprisonment for life or any term of not less than 15 years.
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Michigan

Mich. Comp. Laws Ann. §
333.5210

Felony

A person who knows he or she has HIV, and who engages in sexual penetration with another person without informing that person of his or her HIV status, is guilty of a felony. “Sexual penetration” means sexual intercourse, cunnilingus, fellatio, anal intercourse, or any other intrusion, however slight, of any part of a person's body or of any object into the genital or anal openings of another person's body; emission of semen is not required.

Minnesota

Minn. Stat. § 609.2241

Felony or
Misdemeanor

A person who knowingly harbors an infectious agent commits a crime – which may be prosecuted as an assault, murder, attempted assault or attempted murder – if the person transfers that infectious agent by: (1) sexual penetration with another person without having first informed the other person that the person has a communicable disease; (2) transfer of blood, sperm, organs or tissue (with some specified exceptions); or (3) sharing nonsterile syringes or needles for the purpose of injecting drugs. It is an affirmative defense that the infected person took practical means to prevent transmission as advised by a physician or other health professional or is a health care provider who was following professionally accepted infection control procedures. (HIV is not specified in the statute, but “communicable disease” is defined as a disease or condition that causes serious illness, serious disability, or death and the infectious agent of which may be transmitted by, predominately, sexual or blood-borne transmission.)

Mississippi

Miss. Code Ann. § 97-27-
14(1)

Felony (punishable by
a fine not exceeding
\$10,000 and
imprisonment of 3 to
10 years, or both)

It shall be a felony for any person to knowingly expose another person to HIV. Prior knowledge and willing consent to the exposure is a defense to a charge brought under this statute.

Miss. Code Ann. § 97-27-
14(2)

Felony (punishable by
a fine not exceeding
\$10,000 and
imprisonment of 3 to
10 years, or both)

It is a felony if a person attempts to cause or knowingly causes a corrections employee, a visitor to a correctional facility or another prisoner or offender to come into contact with blood, seminal fluid, urine, feces or saliva, if the person knows that he or she is infected with HIV.

Missouri

Mo. Rev. Stat. § 191.677	Class B Felony, Class A Felony	It is unlawful for a person knowingly infected with HIV to be (or attempt to be) a donor of blood, blood products, organs, sperm or tissue, except as deemed necessary for medical research. It is also unlawful for a person knowingly infected with HIV to act in a reckless manner by exposing another person to HIV without the knowledge and consent of that person, in any of the following manners: (1) through contact with blood, semen or vaginal secretions during oral, anal or vaginal sex, (2) by sharing needles, or (3) by biting another person or purposely doing anything else which causes the HIV infected person's semen, vaginal secretions, or blood to come into contact with the mucous membranes or nonintact skin of another person. The use of a condom is not a defense. A violation of these provisions is a class B felony, unless the victim contracts HIV from the contact, in which case it is a class A felony. (Statute provides examples of "reckless" conduct.)
Mo. Rev. Stat. § 565.085	Class C Felony	A prisoner (or a person otherwise in the custody of the department of corrections) who is knowingly infected with HIV commits a class C felony if he or she attempts to cause or knowingly causes a corrections employee, a visitor to a correctional facility, or another prisoner to come in contact with blood, saliva, seminal fluid, urine, or feces.
Mo. Rev. Stat. § 567.020	Class B Felony	Performing an act of prostitution, which is normally a class B misdemeanor, becomes a class B felony if the prostitute knew prior to performing the act of prostitution that he or she was infected with HIV. The use of a condom is not a defense.

Montana

Mont. Code Ann. §§ 50-18-112, 50-18-113	Misdemeanor	A person infected with an STD (defined to include HIV in § 50-18-101) may not knowingly expose another person to infection.
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Nebraska

N/A

Nevada

Nev. Rev. Stat. § 201.205	Category B Felony (punishable by imprisonment for at least 2 years but not more than 10, or by a fine of not more than \$10,000, or both)	A person who has received notice that he or she is HIV positive and who intentionally, knowingly or willfully engages in conduct in a manner that is intended to or is likely to transmit the disease to another person is guilty of a category B felony. It is a defense that the person subject to exposure to HIV knew that the defendant was HIV positive, knew the conduct could result in exposure to HIV, and consented to engage in that conduct.
Nev. Rev. Stat. § 441A.300	Sentence Enhancement	A person diagnosed with HIV who fails to comply with a written order of a health authority, or who engages in behavior through which the disease may be spread to others, is subject to confinement by order of a court, in addition to any other penalty imposed pursuant to state statute.
Nev. Rev. Stat. § 441A.180	Misdemeanor	A person who conducts himself or herself in any manner likely to expose others to a communicable disease in an infectious state or engages in any occupation in which it is likely that such a disease will be transmitted to others, after service upon him or her of a warning from a health authority, is guilty of a misdemeanor.

Nev. Rev. Stat. § 201.358	Class B Felony (punishable by 2 to 10 years imprisonment, or a fine of not more than \$10,000, or both)	A person who works as a prostitute in a licensed house of prostitution after testing positive for HIV and after receiving notice of that fact is guilty of a category B felony.
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New Hampshire

N/A

New Jersey

N.J. Stat. Ann. § 2C: 34-5	Crime of the Third Degree	A person is guilty of a crime of the third degree if, knowing that he or she is infected with HIV, he or she commits an act of sexual penetration without the informed consent of the other person.
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New Mexico

N/A

New York

N/A

North Carolina

N.C. Gen. Stat. Ann. § 130A-144	Misdemeanor (imprisonment for not more than 2 years)	All persons infected with HIV must comply with control measures for communicable diseases specified in the state administrative code, 10A NCAC 41A.0202(1) . That section a) prohibits sexual intercourse without the use of condoms and requires the exercise of caution when using condoms due to possible condom failure; b) prohibits the sharing of needles, syringes, or any other drug-related equipment, paraphernalia, or works that may be contaminated with blood through previous use; c) prohibits the donation or sale of blood, plasma, platelets, other blood products, semen, ova, tissues, organs, or breast milk; d) requires a skin test for tuberculosis; e) requires the notification of future sexual intercourse partners of the infection; f) if the date of initial infection is known, requires the notification of persons who have been sexual intercourse and needle partners since the date of the infection; and, g) if the date of initial infection is unknown, requires the notification of persons who have been sexual intercourse and needle partners for the previous year. Violation of the control measures is a misdemeanor and special provisions related to sentencing and release apply (see N.C. Gen. Stat. Ann. § 130A-25).
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North Dakota

N.D. Cent. Code § 12.1-20-17	Class A Felony	A person who, knowing that he or she has HIV, willfully transfers any of his or her body fluid to another person is guilty of a class A felony. It is an affirmative defense that, if the transfer was by sexual activity, the activity took place between consenting adults after full disclosure of the risk of the activity and with the use of an appropriate prophylactic device. (“Body fluid” means semen, blood, or vaginal secretion. “Transfer” means to engage in sexual activity by genital-genital contact, oral-genital contact, or anal-genital contact, or to permit the reuse of a hypodermic syringe, needle, or similar device without sterilization.)
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Ohio

Ohio Rev. Code Ann. § 2903.11	Second Degree Felony, First Degree Felony	No person, with knowledge that the person has tested positive for HIV, shall knowingly do any of the following: (1) Engage in sexual conduct with another person without disclosing his or her HIV positive status to the other person prior to engaging in the sexual conduct, (2) Engage in sexual conduct with a person whom the offender knows or has reasonable cause to believe lacks the mental capacity to appreciate the significance of the knowledge that the offender is HIV positive, or (3) Engage in sexual conduct with a person under 18 who is not the spouse of the offender. Violation of this provision is a felony of the second degree. If the victim is a peace officer or an investigator of the bureau of criminal identification and investigation, it is a felony in the first degree. (“Sexual conduct” is defined in § 2903.11(E)(4) and § 2907.01, and includes anal intercourse, vaginal intercourse, fellatio, cunnilingus, or the insertion, however slight, of any part of the body into the anal or vaginal opening of another.)
Ohio Rev. Code Ann. §§ 2907.24, 2907.25	Third Degree Felony	No person, with knowledge that the person has tested positive for HIV, shall engage in, or solicit another person to engage in, sexual activity for hire.
Ohio Rev. Code Ann. § 2907.241	Fifth Degree Felony	A person who commits “loitering to engage in solicitation” commits a fifth degree felony if the person commits the offense with the knowledge that he or she has tested positive for HIV.
Ohio Rev. Code Ann. § 2921.38	Third Degree Felony	No person, with knowledge that the person is HIV positive and with intent to harass, annoy, threaten, or alarm another person, shall cause or attempt to cause the other person to come into contact with blood, semen, urine, feces, or another bodily substance by throwing the bodily substance at the other person, by expelling it upon the other person, or in any other manner. (Section does not apply to persons in a facility operated by the departments of mental health or developmental disabilities.)
Ohio Rev. Code Ann. § 2927.13	Fourth Degree Felony	No person, with knowledge that he or she is HIV positive, shall sell or donate his/her blood, plasma, or a product of his/her blood, if he or she knows or should know the blood, plasma, or product of his/her blood is being accepted for the purpose of transfusion to another individual.

Oklahoma

Okla. Stat. tit. 21, § 1031	Felony (punishable by imprisonment for not more than five years)	Any person who engages in prostitution with knowledge that he or she is infected with HIV shall be guilty of a felony.
Okla. Stat. tit. 21, § 1192.1	Felony (punishable by imprisonment for not more than five years)	It shall be unlawful for any person – knowing he or she has HIV and with intent to infect another – to engage in conduct reasonably likely to result in the transfer of the person’s own blood, bodily fluids containing visible blood, semen or vaginal secretions into the bloodstream of another, or through the skin or other membranes of another person, except during in utero transmission of blood or bodily fluids, if the other person did not consent to the transfer or consented without first having been informed that the offender had HIV.

Okla. Stat. tit. 63, § 1-519	Felony	It is a felony for any person, after becoming infected with a venereal disease and before being pronounced cured by a physician in writing, to marry any other person or to expose any other person by the act of copulation or sexual intercourse to such venereal disease or to liability to contract the venereal disease. (“Venereal disease” is defined to include diseases which may be transmitted from one person to another through or by means of sexual intercourse and found and declared by medical science or accredited schools of medicine to be infectious or contagious, § 1-517.)
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Oregon

N/A

Pennsylvania

18 Pa. Cons. Stat. Ann. § 2703	Second Degree Felony	A person who is confined in or committed to any jail, prison or correctional or penal institution is guilty of a felony of the second degree if he or she, while so confined (or being transported to or from such a facility), intentionally or knowingly causes another to come into contact with blood, seminal fluid, saliva, urine or feces by throwing, tossing, spitting or expelling such fluid or material when, at the time of the offense, the person knew, had reason to know or should have known or believed that such fluid or material was infected with HIV.
18 Pa. Cons. Stat. Ann. § 2704	Felony (penalty shall be the same as the penalty for murder of the second degree)	If a person sentenced to death or life imprisonment intentionally or knowingly causes another to come into contact with blood, seminal fluid, saliva, urine or feces by throwing, tossing, spitting or expelling such fluid or material when, at the time of the offense, the person knew, had reason to know, or should have known or believed that the fluid or material was infected with HIV, then the person is guilty of a crime.
18 Pa. Cons. Stat. Ann. § 5902	Third Degree Felony	It is a felony of the third degree for a person to commit prostitution knowing he or she is HIV positive; to knowingly promote prostitution of one who is HIV positive; or, if the person knows him or herself to be HIV positive, to patronize a prostitute.

Rhode Island

R.I. Gen. Laws 1956 § 23-11-1	Punishable by a fine of not more than \$100 or imprisonment for not more than three months.	It shall be unlawful for anyone knowingly, while in the infectious condition with a sexually transmitted disease, to expose another person to infection.
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South Carolina

S.C. Code Ann. § 44-29-145	Felony (punishable by a fine of not more than \$5000 or imprisonment for not more than 10 years)	It is unlawful for a person who knows he or she is infected with HIV to: (1) knowingly engage in sexual intercourse (vaginal, anal, or oral) with another person without first informing that person of his HIV infection; (2) knowingly commit an act of prostitution with another person; (3) knowingly sell or donate blood, blood products, semen, tissue, organs, or other body fluids; (4) forcibly engage in sexual intercourse (vaginal, anal or oral) without the consent of the other person, including one's legal spouse; or (5) knowingly share with another person a hypodermic needle/syringe without first informing that person that the needle or syringe has been used by someone infected with HIV.
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S.C. Code Ann. §§ 44-29-60, 44-29-140 (& see www.scdhec.gov)	Misdemeanor (punishable by a fine of not more than \$200 or imprisonment for not more than 30 days)	It is unlawful for anyone infected with an STD included in the annual SC Dep't of Health and Environmental Control List of Reportable Diseases to knowingly expose another to infection. ("HIV" was included in the DHEC list for 2010.)
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South Dakota

S.D. Codified Laws §§ 22-18-31, 22-18-33, 22-18-34	Class 3 Felony	It is unlawful for any person, knowing him/herself to be infected with HIV, to intentionally expose another person to infection by: (1) engaging in sexual intercourse or other intimate physical contact with another person; (2) transferring, donating or providing blood, tissue, semen, organs or other potentially infectious body fluids or parts for administration to another person in any manner that presents a significant risk of HIV infection; (3) transferring in any way to another person any nonsterile intravenous or intramuscular drug paraphernalia that has been contaminated by him/herself; or (4) causing blood or semen to come in contact with another person for the purpose of exposing that person to HIV infection. The actual transmission of HIV is not a required element of this offense. It is an affirmative defense, if proven by a preponderance of the evidence, that the person exposed to HIV knew the infected person was infected with HIV, knew the action could result in infection with HIV, and gave advance consent to the action with that knowledge.
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Tennessee

Tenn. Code Ann. § 39-13-109	Class C Felony	It is unlawful for a person, knowing that he or she is infected with HIV, to knowingly: (1) engage in intimate contact with another; (2) transfer, donate or provide any potentially infectious body fluid or part for administration to another person in any manner that presents a significant risk of HIV transmission; or (3) transfer in any way to another any nonsterile intravenous or intramuscular drug paraphernalia. "Intimate contact with another" means the exposure of the body of one person to a bodily fluid of another person in any manner that presents a significant risk of HIV transmission. It is an affirmative defense, if proven by a preponderance of the evidence, that the person exposed to HIV knew the infected person was infected with HIV, knew the action could result in infection with HIV, and gave advance consent to the action with that knowledge. The actual transmission of HIV is not a required element of this offense.
Tenn. Code Ann. § 39-13-516	Class C Felony	A person commits aggravated prostitution when, knowing that such person is infected with HIV, the person engages in sexual activity as a business or in a house of prostitution or loiters in a public place for the purpose of being hired to engage in sexual activity.
Tenn. Code Ann. § 39-13-108	Class E Felony (possibility of quarantine)	A person who intentionally escapes from a secure facility commits a Class E felony, if the person was quarantined or isolated in that facility because he or she poses a direct threat of significant risk to the health and safety of the public regarding transmission of HIV
Tenn. Code Ann. § 40-35-114(21)	Sentence enhancement	If a defendant is convicted of the offense of aggravated rape (§ 39-13-503), sexual battery (§ 39-13-505), rape of a child (§ 39-13-522), or statutory rape (§ 39-13-506), and the defendant knew or should have known that, at the time of the offense, the defendant was HIV-positive, the court shall consider this as an advisory factor in determining whether to enhance the defendant's sentence.

Tenn. Code Ann. §§ 68-10-107, 68-10-101, 68-10-111	Class C Misdemeanor	It is unlawful for any person infected with an STD to expose another person to such infection.
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Texas

N/A

Utah

Utah Code Ann. § 76-10-1309	Third Degree Felony (Enhanced Penalty)	A person who is convicted of prostitution, patronizing a prostitute, or sexual solicitation is guilty of a third degree felony if he or she: (1) is HIV positive, (2) has actual knowledge of his or her HIV positive status, and (3) has received written personal notice of the positive test result from a law enforcement agency.
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Utah Code Ann. § 76-5-102.6	Third Degree Felony	Any prisoner or person detained who knows he or she has HIV commits a third degree felony if he or she throws or otherwise propels his or her saliva, blood, urine, or fecal material at a peace or correctional officer and it comes into contact with any portion of the officer's face (including the eyes or mouth) or comes into contact with any open wound on the officer's body.
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Vermont

N/A

Virginia

Va. Code Ann. § 18.2-67.4:1(A)	Class 6 Felony	Any person who, knowing he or she is infected with HIV, has sexual intercourse, cunnilingus, fellatio, "analingus" or anal intercourse with the intent to transmit the infection to another person shall be guilty of a class 6 felony.
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Va. Code Ann. § 18.2-67.4:1(B)	Class 1 Misdemeanor	Any person who, knowing he or she is infected with HIV, has sexual intercourse, cunnilingus, fellatio, "analingus" or anal intercourse without having previously disclosed the existence of his or her HIV infection to the other person shall be guilty of a class 1 misdemeanor.
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Va. Code Ann. § 32.1-289.2	Class 6 Felony	Any person who donates or sells, attempts to donate or sell, or consents to the donation or sale of blood, other body fluids, organs or tissues, knowing that the donor is or was infected with HIV and having been instructed that such material may transmit HIV infection, is guilty of a class 6 felony. (Does not apply to the donation of infected blood, other body fluids, organs or tissues or body parts for use in medical or scientific research.)
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Washington

Wash. Rev. Code Ann. § 9A.36.011	Class A Felony	A person is guilty of assault in the first degree if he or she, with intent to inflict great bodily harm, administers, exposes, or transmits to or causes to be taken by another, HIV.
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West Virginia

W. Va. Code §§ 16-4-20,
16-4-26

A fine of up to \$100,
and up to thirty days
in jail

It shall be unlawful for any person suffering from an infectious venereal disease to perform any act which exposes another person to infection with said disease, or knowingly to infect or expose another person to infection with said disease. (“Venereal disease” is not defined, but HIV is identified as “potentially sexually transmittable.” See W. Va. Code § 16-4-1, W. Va. Code C.S.R. § 64-7-17.)

Wisconsin

Wis. Stat. § 973.017(4)

Sentence
Enhancement

When making a sentencing decision concerning a person convicted of a serious sex crime, the court shall consider as an aggravating factor the fact that the crime was committed under all of the following circumstances: (1) the person being sentenced had HIV, (2) he or she knew he or she had HIV, and (3) the victim of the crime was significantly exposed to HIV by the acts constituting the serious sex crime. (“Significantly exposed” is defined in the statute.)

Wyoming

N/A