

## PROTECT YOURSELF

Having proof that you disclosed your HIV+ status to sex partners can help protect you from prosecution (but is no guarantee). Possible strategies include:

- Save email, text exchanges, voicemail recordings, social media profiles or other evidence that you disclosed your HIV status (if arrested, your computer may be seized; save copies in a safe separate location)
- Take your partner with you to your doctor or caseworker and ask them to note your partner's knowledge of your HIV+ status in your file
- Talk about your HIV+ status in front of your partner and a third party you trust who could testify that you disclosed
- Make a video with your partner talking about your HIV status
- Keep a diary noting occasions when you discussed your HIV status with your partner
- Make note of physical evidence of your HIV status, like medications in clear sight, doctor visit reminders, HIV-related brochures or magazines, etc., that others have seen.
- Have your partner sign a disclosure acknowledgement form (see sample on reverse)

To talk to someone from the Sero Project, email your phone number and the nature of your inquiry to [info@seroproject.com](mailto:info@seroproject.com) and we will get back to you as quickly as possible, usually within 24 hours.

For information on HIV criminalization in any specific state, or tips on how to talk to others about criminalization, go to [seroproject.com](http://seroproject.com).



# SERO+

Scan your mobile device to sign up for the Sero Project newsletter.

## HIV DISCLOSURE ACKNOWLEDGEMENT STATEMENT

I, \_\_\_\_\_, acknowledge that my partner, \_\_\_\_\_, has been diagnosed positive for the human immunodeficiency virus (HIV) and he or she has informed me of their HIV positive status.

I acknowledge having been fully informed of their HIV positive status and any and all sexual or other activity in which I engage with them is or was undertaken with full knowledge of the facts, circumstances and risks involved.

I waive any and all claims against my partner for failing to tell me about their HIV positive status.

I further acknowledge that my partner should, under no circumstances, bear any criminal or civil responsibility for actions or behaviors undertaken with me that may pose a potential risk of exposure or transmission of HIV.

Signed \_\_\_\_\_

Date Signed \_\_\_\_\_

City and State Where Signed \_\_\_\_\_

Disclaimer: This affidavit may help prove that you disclosed your HIV status to your partner, but it is not a guarantee that you will not be prosecuted and it has not yet been tested in any court.

After your partner has completed and signed the statement, make a copy and keep the original and the copy in different places.

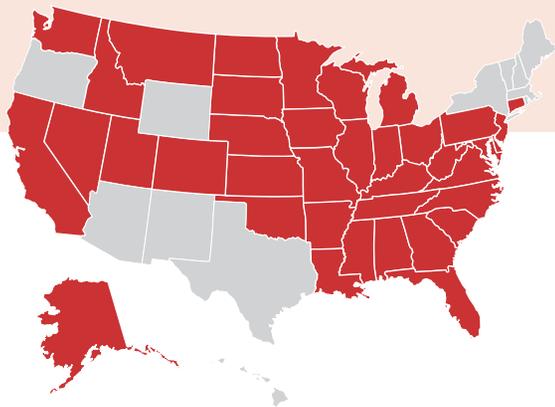
## HIV CRIMINALIZATION What You Need to Know

People with HIV may be prosecuted for not disclosing their HIV statuses to their sexual partners — even if transmission risk was minimal or non-existent. They often face more severe charges and sentencing for assault, sex work, or other crimes just because they have HIV.

# SERO+

[seroproject.com](http://seroproject.com)

# HIV CRIMINALIZATION HAPPENS ALL OVER THE U.S.



■ States with HIV-specific criminal statutes and/or STD criminal statutes that specifically encompass HIV

■ States without specific statutes addressing HIV

About two thirds of U.S. states, territories and possessions have HIV-specific criminal statutes or STD criminal statutes that have been used to prosecute people with HIV. But people with HIV are potentially subject to prosecution for non-disclosure, potential exposure or transmission in every jurisdiction under general criminal statutes. Note prosecutions in Texas and New York, for example, which do not have HIV-specific statutes. For more details about your state or to join the advocacy to combat HIV criminalization, go to [seroproject.com](http://seroproject.com).

## WHAT YOU NEED TO KNOW

For people with HIV, a contentious relationship, a personal misunderstanding or even a minor infraction of the law can lead to a long jail sentence, public shaming and registration as a sex offender. HIV-specific criminal charges have been filed more than 1,000 times.

If you have been accused of an HIV-related crime, **DO NOT TALK** to police or investigators

- Do not acknowledge your HIV status
- Do not provide blood, saliva or give permission for any medical tests
- Do not sign any documents
- Do not volunteer any information

## TELL THEM YOU WANT A LAWYER

They may try to convince you things “will be easier” if you cooperate; this is rarely true. **Providing information before you have a lawyer is NEVER to your advantage**, even when you did nothing wrong. Be polite, but do not talk, acknowledge, provide information or sign anything until you have a lawyer.

## FIND A LAWYER

You have and should exercise your right to remain silent until you have a lawyer. If you cannot afford one, the state must provide one for you. Finding a lawyer knowledgeable about HIV and criminalization can be difficult. Contact your local public defender’s office, HIV legal clinic or service provider, or reach out to the following agencies for a referral or other resources:

**Sero Project:** [seroproject.com](http://seroproject.com)  
**Center for HIV Law & Policy:** [hivlawandpolicy.org](http://hivlawandpolicy.org)  
**Lambda Legal Defense:** [lambdalegal.org](http://lambdalegal.org)  
**ACLU** (to find your local chapter): [aclu.org](http://aclu.org)  
**HIV Law Project** (New York): [hivlawproject.org](http://hivlawproject.org)  
**GLAD** (New England): [glad.org](http://glad.org)  
**AIDS Law Project of Pennsylvania:** [aidslawpa.org](http://aidslawpa.org)  
**AIDS Law of Louisiana:** [aidslaw.org](http://aidslaw.org)  
**Whitman-Walker** (Washington, DC): [www.org](http://www.org)  
**Duke AIDS Legal Project** (North Carolina): [aidslegalproject.org](http://aidslegalproject.org)  
**Public Law Center** (Southern California): [publiclawcenter.org](http://publiclawcenter.org)

All of the individuals named are members of Sero’s Advisory Board, have become advocates to combat criminalization and are identified with their permission.

**None of them has been accused of transmitting HIV.**



**IOWA** - Nick Rhoades used a condom, had an undetectable viral load and was sentenced to 25 years for non-disclosure. The judge reconsidered the sentence and released him after a year, but he must register as a sex offender for the rest of his life.



**IDAHO** - Kerry Thomas used a condom, had an undetectable viral load and is now serving a 30 year sentence for non-disclosure.



**LOUISIANA** – After a contentious breakup, Robert Suttle’s former partner accused him of not having initially disclosed. He served 6 months and must register as a sex offender for 15 years. He is Sero Project’s Assistant Director.



**ARKANSAS** – Mark Hunter used a condom, had an undetectable viral load and served two and a half years for non-disclosure.



**SOUTH CAROLINA** – Monique Moree had an undetectable viral load and told her partner to use a condom. She faced up to 10 years, but the U.S. Army ultimately dropped the charges.



**TEXAS** - A man (name withheld) is serving 35 years for spitting at a police officer.



**NEW YORK** - When a judge ruled that his saliva was “a dangerous instrument”, David Plunkett was sentenced to 10 years for assault and served 6 before being released after winning his appeal.

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