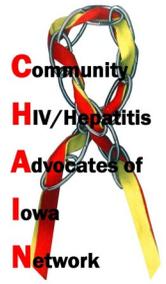


Community HIV & Hepatitis Advocates of Iowa Network

Criminal Transmission of HIV Fact Sheet

Iowa Code 709C summary: A person commits criminal transmission of the human immunodeficiency virus if the person, knowing that his or her HIV status is positive, engages in intimate contact with another person. *Exposing someone to HIV, whether or not the virus is transmitted, is a class "B" felony with up to 25 years in prison.*



Iowa Code 709C Undermines Public Health Goals and thereby contributes to the HIV Epidemic

New research shows that statutes like 709C are contributing to the HIV epidemic, not stopping it, by driving people away from public health and treatment programs. There is also evidence that 709C does NOT promote disclosure, as it was intended.

1. Research shows transmission laws do NOT positively influence the behavior of people with HIV. Such laws may actually make HIV-infected people less willing to get tested (i.e., you cannot be charged if you do not know your status) and less willing to disclose their HIV statuses because of fear of prosecution or prejudice. Iowa has one of the highest rates of late testers of any state in the nation (47%).
2. Placing responsibility exclusively on people with HIV dilutes the public health message that everyone must protect him- or herself. People may (wrongly) assume the law means they're not at risk and not responsible for using protection with people whose HIV statuses they do not know.
3. Testing and treatment work best to lower Iowa's collective viral load so that fewer people become HIV infected. Science-based prevention focusing on respect and communication is more effective than threats of prosecution.

Assure consistency in controls and penalties across comparable contagious diseases to eliminate stigma.

1. The statute should avoid stigmatizing or singling out a specific disease, such as HIV, especially when there is currently very good evidence that the statutes do not change a person's risk or disclosure behaviors (Burris, 2007).
2. Penalties should reflect the actual risk of causing harm— those behaviors that are unlikely to result in transmission should not be criminalized;
3. Felonies should be reserved for intentional and/or documented transmission;
4. The statute should promote use of effective means to prevent transmission, like adhering to medical treatment programs that nearly eliminate the possibility of transmission, and use of barriers to transmission of diseases to others. The current law does not promote these proven methods of preventing transmission.

The bill rewrites Chapter 709C: Criminal Transmission of HIV to create a new criminal code section addressing intentional transmission or attempted transmission of a contagious or infectious disease:

Section 1. Section 709C.1, Code 2013, is amended by striking the section.

Section 2. NEW SECTION. A new section is added to Title XVI (Criminal Law and Procedure), Subtitle 1 (Crime Control and Criminal Acts):

This chapter shall be known and may be cited as the "Intentional Transmission of Contagious or Infectious Disease Act."

Improve an ineffective statute that is fueling the HIV epidemic by passing the Intentional Transmission of Contagious or Infectious Disease Act.