



## 5 Things to Know About HIV Criminalization

**HIV CRIMINALIZATION** is the unwarranted use of the criminal law to address a public health issue. HIV criminalization laws target people living with HIV for prosecution and excessive punishment in an effort to make them solely responsible for the sexual risk behaviors of others.

### HIV criminalization laws DON'T work as intended

- Not a single study or peer-reviewed paper—nor any credentialed public health expert—asserts HIV criminalization has actually reduced HIV transmission in any jurisdiction where it exists.

### HIV criminalization laws DO work against public health

- Punish those who learn their status and privileges those who remain ignorant.
- Creates mistrust of health professionals, making people who test HIV positive less likely to cooperate with partner notification, treatment adherence and other prevention programs.
- Place HIV-negative people in harm's way by making them believe they can engage in risky behaviors without the risk.

### HIV criminalization laws DON'T align with current science

- Harder to transmit HIV sexually than most people believe, with a less than 2% per-act risk of transmission arising from even the riskiest of sexual activities.
- Person on effective treatment with a suppressed viral load is incapable of transmitting HIV.
- HIV-negative person who engages in risk behaviors can take medications to dramatically reduce their chances of acquiring HIV.
- Person newly-diagnosed and provided with treatment can expect to live a near-normal lifespan.

### HIV criminalization laws DO increase stigma & discrimination

- Exacerbate the already overwhelming social stigma that accompanies an HIV diagnosis, which experts agree is one of the biggest obstacles to ending the HIV epidemic.
- Forced disclosure of one's HIV-positive status carries significant risks, including potential intimate partner violence, loss of housing or custody of one's children, and other forms of discrimination.
- Most strongly affects disenfranchised, who comprise disproportionate portion of people living with HIV.

### HIV criminalization laws DON'T make sense for our justice system

- Assault statutes address situations in which a person acts with the malicious intent to harm another person—special laws for a particular group of people are unnecessary and counterproductive.
- Incarcerating individuals whose conduct is best addressed via a public health approach comes at a significant cost to the state.

*The American Medical Association, American Nursing Association, National Alliance of State and Territorial AIDS Directors, HIV Medicine Association, Association of Nurses in AIDS Care, U.S. National HIV/AIDS Strategy, Presidential Advisory Council on HIV/AIDS, U.S. Conference of Mayors, American Psychological Association, the U.S. Department of Justice and many other public health, legal and public policy organizations have called for an end to HIV criminalization.*