

ARE YOU AT RISK OF HIV CRIMINALIZATION IN OHIO?

WHAT IS AGAINST THE LAW FOR PEOPLE LIVING WITH HIV (PLHIV)?

→ SEXUAL ENCOUNTERS

2nd degree felony (felonious assault) includes anal, vaginal, oral sex or use of a sex toy without disclosure.

SEX OFFENDER REGISTRATION

Required for felonious assault “with a sexual motivation.” PLHIV convicted of or pleading guilty to failing to disclose before sexual conduct must register as a sex offender.

→ SPITTING OR BITING

2nd degree felony (felonious assault) as the saliva of PLHIV may be considered a deadly weapon.

→ HARASSMENT WITH A BODILY SUBSTANCE

3rd degree felony for exposing another person to urine, feces, semen, blood, or another bodily fluid

→ BLOOD/PLASMA DONATION OR SALE

4th degree felony for PLHIV who know their status.

→ SEX WORK

3rd degree felony for engaging in sex work or offering to sell sex (solicitation)

5th degree felony for signaling, stopping, or attempting to stop someone with the intention of selling sex (loitering to engage in solicitation).

What activities does this include?

SEX WORK: any sexual activity for hire, regardless of the risk of transmission it poses, and whether transmission occurs.

SOLICITATION and LOITERING TO ENGAGE IN

SOLICITATION: signaling, stopping/attempting to stop someone; having/attempting to have a conversation; stopping/attempting to have a conversation; stopping/attempting to stop the driver of a car; approaching the driver in a stopped car. Sexual activity does not have to occur.

PENALTY ENHANCEMENT FOR SEX WORK

Increases the penalty when PLHIV are convicted of any sex work crime. Based on their HIV status alone, PLHIV can be convicted of felonies for misdemeanor crimes such as sex work, solicitation, and loitering to engage in solicitation.



Positive Justice Project

FOR MORE INFORMATION VISIT:
WWW.HIVLAWANDPOLICY.ORG

PROTECT YOURSELF!

PROVING DISCLOSURE

Proof that you disclosed your HIV status prior to sexual contact can be hard to get but may be helpful in court (though there is no guarantee).

- ➔ Save emails, text exchanges, social media and dating website or app interactions showing both your disclosure and the date these messages were sent.
- ➔ Take partners to your doctor or caseworker's office and ask them to note your partner's knowledge of your status in your case records.
- ➔ Discuss your status in presence of your partner and third parties who can attest to the disclosure.
- ➔ Use your cell phone to take a video of your disclosure to your partner.
- ➔ Ask your partner to sign a statement prior to any sexual activity acknowledging that you disclosed your status.

WHAT TO DO IF YOU ARE ARRESTED OR AT RISK OF AN ARREST ON AN HIV CRIMINALIZATION CHARGE:



- ➔ DO NOT disclose your status to law enforcement officers without a lawyer present.
- ➔ DO NOT talk to police or investigators without a lawyer present unless to give identification.
- ➔ DO NOT consent to any medical tests (including blood draws or saliva swabs).
- ➔ DO NOT sign anything without first consulting a lawyer.
- ➔ DO NOT discuss your situation with anyone on the phone, social media, email or in person before consulting with your lawyer.
- ➔ DO NOT contact the person who is or may be pressing charges against you.
- ➔ DO request a lawyer as soon as you have been charged with any crime.
- ➔ DO contact a local HIV legal services organization or CHLP for connections to possible attorneys and/or resources related to the routes and risks of HIV transmission.
- ➔ DO provide treatment records, medication history, documents proving disclosure to your attorney as soon as possible.
- ➔ DO protect yourself from further criminal charges by not resisting arrest.

**FOR MORE INFORMATION,
SEE "HIV CRIMINALIZATION:
KNOW YOUR RIGHTS" AT
WWW.PWN-USA.ORG**