



movement advancement project ►

## Criminal Justice: HIV Criminalization Laws

No updates required since March 28, 2023

MAP often relies on the research conducted by the [Center for HIV Law and Policy](#) (CHLP) for this map and the statutes found below. For more information on any state's HIV-related laws or any other HIV-related policy matters, please consult CHLP's resources.

### MAP categories and scoring system, based on research by Center for HIV Law and Policy:

- (-1) HIV-criminalization law and either HIV-specific sentencing enhancements or may require sex offender registration (or both)
- (-0.5) HIV-criminalization law only (including general STI laws that enumerate HIV)
- (-0.25) No HIV-criminalization law, but does have HIV-specific sentencing enhancements (additional penalties) for sex-related convictions
- (0) No HIV-specific criminal law or policy
- (0) No HIV-specific criminal law or policy, but does have general STI law (that does not enumerate HIV) that could be used to prosecute people living with HIV

Importantly, even states without a general STI law (let alone an HIV-specific law) may still prosecute people living with HIV, via general criminal statutes like criminal endangerment. See CHLP's research for more information about this.

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#### Alabama

- (0) No HIV-specific criminal law or policy, but does have general STI law (that does not enumerate HIV) that could be used to prosecute people living with HIV
- See [ALA. CODE § 22-11A-21](#) or [CHLP's Alabama state page](#)

#### Alaska

- (-0.25) No HIV-criminalization law, but does have HIV-specific sentencing enhancements (additional penalties) for sex-related convictions
- See [AK STAT. § 12.55.155](#) or [CHLP's Alaska state page](#)

#### Arizona

- (0) No HIV-specific criminal law or policy, but does have general STI law (that does not enumerate HIV) that could be used to prosecute people living with HIV
- See [CHLP's Arizona state page](#)

#### Arkansas

- (-1) HIV-criminalization law and HIV-specific sentencing enhancements or **may require sex offender registration** (or both)
- See [ARK. CODE ANN. § 5-14-123](#) or [CHLP's Arkansas state page](#)



#### California

- (-0.25) No HIV-criminalization law, but does have HIV-specific sentencing enhancements (additional penalties) for sex-related convictions
- Formerly, state had HIV criminalization laws and HIV-specific sentencing enhancements. The HIV criminalization laws were repealed by [SB239](#) (2017, effective 1/1/18).
- See [CAL. HEALTH & SAFETY CODE § 120291](#) or [CHLP's California state page](#)

#### Colorado

- (-0.25) No HIV-criminalization law, but does have HIV-specific sentencing enhancements (additional penalties) for sex-related convictions
- Formerly, state had HIV criminalization law and HIV-specific sentencing enhancements. The HIV criminalization laws were repealed by [SB146](#) (2016).
- See [CO Rev Stat § 18-3-415.5](#) or [CHLP's Colorado state page](#)

#### Connecticut

- (0) No HIV-specific criminal law or policy
- See [CHLP's Connecticut state page](#)

#### Delaware

- (-0.5) HIV-criminalization law only (including general STI laws that enumerate HIV)
- See [DEL. CODE ANN. tit. 16, § 2801](#) or [CHLP's Delaware state page](#)

#### District of Columbia

- (0) No HIV-specific criminal law or policy
- See [CHLP's District of Columbia page](#)

#### Florida

- (-1) HIV-criminalization law and **HIV-specific sentencing enhancements** or may require sex offender registration (or both)
- See [FLA. STAT. ANN. § 775.0877](#) or [CHLP's Florida state page](#)

#### Georgia

- (-0.5) HIV-criminalization law only (including general STI laws that enumerate HIV)
- See [GA. CODE ANN. § 16-5-60\(c\)-\(d\)](#) or [CHLP's Georgia state page](#)

#### Hawai'i

- (0) No HIV-specific criminal law or policy
- See [CHLP's Hawaii state page](#)

#### Idaho

- (-0.5) HIV-criminalization law only (including general STI laws that enumerate HIV)
- See [IDAHO CODE ANN. § 39-608](#) or [CHLP's Idaho state page](#)



#### Illinois

- (0) No HIV-specific criminal law or policy
- Formerly, state had HIV-criminalization law only (see now outdated [720 ILCS § 5/12-5.01](#)), repealed by [HB1063/SB655](#) (July 2021)
- See [CHLP's Illinois state page](#) or [CHLP's coverage of 2021 repeal](#)

#### Indiana

- (-1) HIV-criminalization law and **HIV-specific sentencing enhancements** or may require sex offender registration (or both)
- See [IND. CODE § 35-42-2-1\(b\), \(e\), \(g\)](#) or [CHLP's Indiana state page](#)

#### Iowa

- (-0.5) HIV-criminalization law only (including general STI laws that enumerate HIV)
- See [IOWA CODE § 709D.2](#) and [IOWA CODE § 709D.3](#) or [CHLP's Iowa state page](#)

#### Kansas

- (0) No HIV-specific criminal law or policy, but does have general STI law (that does not enumerate HIV) that could be used to prosecute people living with HIV
- See [KAN. STAT. ANN. § 21-5424](#) or [CHLP's Kansas state page](#)

#### Kentucky

- (-0.5) HIV-criminalization law only (including general STI laws that enumerate HIV)
- See [KY. REV. STAT. ANN. § 311.990\(24b\)](#) or [CHLP's Kentucky state page](#)

#### Louisiana

- (-1) HIV-criminalization law and HIV-specific sentencing enhancements or **may require sex offender registration** (or both)
- See [LA. REV. STAT. ANN. § 14:43.5](#) or [CHLP's Louisiana state page](#)

#### Maine

- (0) No HIV-specific criminal law or policy
- See [CHLP's Maine state page](#)

#### Maryland

- (-0.5) HIV-criminalization law only (including general STI laws that enumerate HIV)
- See [MD. CODE ANN., HEALTH-GEN. § 18-601.1](#) or [CHLP's Maryland state page](#)

#### Massachusetts

- (0) No HIV-specific criminal law or policy
- See [CHLP's Massachusetts state page](#)

#### Michigan

- (-0.5) HIV-criminalization law only (including general STI laws that enumerate HIV)
- See [MICH. COMP. LAWS ANN. § 333.5210](#) or [CHLP's Michigan state page](#)



#### Minnesota

- (0) No HIV-specific criminal law or policy, but does have general STI law (that does not enumerate HIV) that could be used to prosecute people living with HIV
- See [MINN. STAT. § 609.2241](#) or [CHLP's Minnesota state page](#)

#### Mississippi

- (-0.5) HIV-criminalization law only (including general STI laws that enumerate HIV)
- See [MISS. CODE ANN. § 97-27-14](#) or [CHLP's Mississippi state page](#)

#### Missouri

- (-0.5) HIV-criminalization law only (including general STI laws that enumerate HIV)
- See [MO. REV. STAT. § 191.677](#) or [CHLP's Missouri state page](#)

#### Montana

- (-0.5) HIV-criminalization law only (including general STI laws that enumerate HIV)
- See [MONT. CODE ANN. § 50-18-112](#) or [CHLP's Montana state page](#)

#### Nebraska

- (-0.5) HIV-criminalization law only (including general STI laws that enumerate HIV)
- See [NEB. REV. STAT. § 28-934](#) or [CHLP's Nebraska state page](#)

#### Nevada

- (0) No HIV-specific criminal law or policy, but does have general STI law (that does not enumerate HIV) that could be used to prosecute people living with HIV.
- State formerly had an HIV-criminalization law, repealed by [SB275](#) (2021), though the general STI law could still be used to prosecute people living with HIV.
- See [SB275](#) (2021; current policy), [NEV. REV. STAT. § 201.205](#) (former policy), or [CHLP's Nevada state page](#).

#### New Hampshire

- (0) No HIV-specific criminal law or policy
- See [CHLP's New Hampshire state page](#)

#### New Jersey

- (0) No HIV-specific criminal law or policy
- State formerly had an HIV-criminalization law, repealed by [S3707](#) (2022). However, [legislative statements](#) around the bill show clear intent that prosecutions can continue, just under the state's criminal endangerment statute. See [CHLP's discussion here](#).
- See [S3707](#) (2022; repeal), [N.J. STAT. ANN. § 2C: 34-5](#) (former policy), or [CHLP's New Jersey state page](#)

#### New Mexico

- (0) No HIV-specific criminal law or policy
- See [CHLP's New Mexico state page](#)



#### New York

- (0) No HIV-specific criminal law or policy, but does have general STI law (that does not enumerate HIV) that could be used to prosecute people living with HIV
- See [NY PUB. HEALTH LAW § 2307](#) or [CHLP's New York state page](#)

#### North Carolina

- (-0.5) HIV-criminalization law only (including general STI laws that enumerate HIV)
- See [10A N.C. ADMIN. CODE 41A.0202](#) or [CHLP's North Carolina state page](#)

#### North Dakota

- (-0.5) HIV-criminalization law only (including general STI laws that enumerate HIV)
- See [N.D. CENT. CODE § 12.1-20-17](#) or [CHLP's North Dakota state page](#)

#### Ohio

- (-1) HIV-criminalization law and HIV-specific sentencing enhancements or **may require sex offender registration** (or both)
- See [OHIO REV. CODE ANN. § 2903.11](#) or [CHLP's Ohio state page](#)

#### Oklahoma

- (-0.5) HIV-criminalization law only (including general STI laws that enumerate HIV)
- See [OKLA. STAT. tit. 21, § 1192.1](#) or [CHLP's Oklahoma state page](#)

#### Oregon

- (0) No HIV-specific criminal law or policy, but does have general STI law (that does not enumerate HIV) that could be used to prosecute people living with HIV
- See [CHLP's Oregon state page](#)

#### Pennsylvania

- (-0.5) HIV-criminalization law only (including general STI laws that enumerate HIV)
- See [18 PA. CONS. STAT. ANN. § 2703](#) and [§ 2704](#) or [CHLP's Pennsylvania state page](#)

#### Rhode Island

- (0) No HIV-specific criminal law or policy, but does have general STI law (that does not enumerate HIV) that could be used to prosecute people living with HIV
- See [CHLP's Rhode Island state page](#)

#### South Carolina

- (-0.5) HIV-criminalization law only (including general STI laws that enumerate HIV)
- See [S.C. Code Ann. § 44-29-145](#) or [CHLP's South Carolina state page](#)

#### South Dakota

- (-1) HIV-criminalization law and HIV-specific sentencing enhancements or **may require sex offender registration** (or both)
- See [S.D. CODIFIED LAWS § 22-18-31](#) or [CHLP's South Dakota state page](#)



#### Tennessee

- (-1) HIV-criminalization law and HIV-specific sentencing enhancements or may require sex offender registration (**or both**)
- See [TENN. CODE ANN. § 39-13-109](#) or [CHLP's Tennessee state page](#)

#### Texas

- (0) No HIV-specific criminal law or policy
- See [CHLP's Texas state page](#)

#### Utah

- (-1) HIV-criminalization law and **HIV-specific sentencing enhancements** or may require sex offender registration (or both)
- See [UTAH CODE ANN. § 76-10-1309](#) or [CHLP's Utah state page](#)

#### Vermont

- (0) No HIV-specific criminal law or policy, but does have general STI law (that does not enumerate HIV) that could be used to prosecute people living with HIV
- See [CHLP's Vermont state page](#)

#### Virginia

- (0) No HIV-specific criminal law or policy, but does have general STI law (that does not enumerate HIV) that could be used to prosecute people living with HIV
  - State also has a law allowing courts to require individuals who are charged with certain crimes (sexual assault, offenses against children, any assault and battery where body fluids may have been exposed) to be tested for STIs (including HIV). However, the law also specifically says that both the test requirement and the test results “shall not be admissible as evidence in any criminal proceeding.” See [HB1416](#) (2023).
- Formerly, state had a general STI law that enumerated HIV. HIV enumeration was removed by [SB 1138](#) (2021), though the general law could still be used to prosecute people living with HIV.
- See [SB 1138](#) (2021; current policy), [VA. CODE ANN. § 18.2-67.4:1](#) (former policy), or [CHLP's Virginia state page](#).

#### Washington

- (-0.5) HIV-criminalization law only (including general STI laws that enumerate HIV)
- Formerly, state had HIV-criminalization law and required sex offender registration. Sex offender registration repealed and other improvements added by [HB 1551](#) (2020).
- See [HB 1551](#) (2020), [WASH. REV. CODE § 9A.36.011](#), or [CHLP's Washington state page](#)

#### West Virginia

- (0) No HIV-specific criminal law or policy, but does have general STI law (that does not enumerate HIV) that could be used to prosecute people living with HIV
- See [W. VA. CODE ANN. § 16-4-20](#) or [CHLP's West Virginia state page](#)



#### Wisconsin

- (-0.25) No HIV-criminalization law, but does have HIV-specific sentencing enhancements (additional penalties) for sex-related convictions
- See [WIS. STAT. § 973.017](#) or [CHLP's Wisconsin state page](#)

#### Wyoming

- (0) No HIV-specific criminal law or policy
- See [CHLP's Wyoming state page](#)

### U.S. Territories

#### American Samoa

- (0) No HIV-specific criminal law or policy
- See [CHLP's 2015 analysis of HIV criminalization laws in the U.S. territories](#) (p252)

#### Guam

- (-0.25) No HIV-criminalization law, but does have HIV-specific sentencing enhancements (additional penalties) for sex-related convictions
- See [CHLP's 2015 analysis of HIV criminalization laws in the U.S. territories](#) (p253-255)

#### Commonwealth of the Northern Mariana Islands

- (0) No HIV-specific criminal law or policy
- See [CHLP's 2015 analysis of HIV criminalization laws in the U.S. territories](#) (p256)

#### Puerto Rico

- (0) No HIV-specific criminal law or policy
- See [CHLP's 2015 analysis of HIV criminalization laws in the U.S. territories](#) (p257)

#### U.S. Virgin Islands

- (-0.5) HIV-criminalization law only (including general STI laws that enumerate HIV)
- See [CHLP's 2015 analysis of HIV criminalization laws in the U.S. territories](#) (p258-260)