

## HIV Facts - Current Science

- HIV transmission can be **PREVENTED** with testing, medication and condom use.
- Saliva, fecal matter, urine and blood outside the body do **NOT** transmit HIV.
- The probability of transmitting HIV from the most “risky” sex act—anal intercourse is **LESS** than 1.5%. This small risk can be dramatically reduced with treatment. Further, recent studies show that a person on HIV treatment and virally suppressed **CANNOT** transmit HIV sexually.
- Life expectancy for a 20 year old with HIV and on treatment is **NOW** 71+ years vs. 32 years in the 1980s.
- People who do **NOT** know their HIV status are significantly more likely to transmit HIV.
- Consistent **USE** of medications by the HIV-negative person to prevent HIV transmission (i.e., PrEP - Pre Exposure Prophylaxis) is an effective HIV prevention measure.
- Attempts to identify and avoid potential partners who may be HIV-positive is **NOT** endorsed as a method of HIV prevention by the CDC.
- Furthermore, criminal prosecution of people living with HIV for mere nondisclosure is **NOT** supported by the U.S. Department of Justice or other leading HIV and public health authorities.
- While safe and voluntary disclosure of HIV status **IS** encouraged by public health officials as a best practice, such disclosure is designed to facilitate greater communication and candor about all health risks between sexual partners, **NOT** as a substitute for valid HIV prevention techniques.

**HIV IS NOT A CRIME**

## How Can I Get Involved?

### Learn more!

Visit the Sero Project or the Center for HIV Law and Policy websites for more information about HIV criminalization in the U.S.

[www.seroproject.com](http://www.seroproject.com)  
[www.hivlawandpolicy.org](http://www.hivlawandpolicy.org)

**Join the HIV Modernization Movement**  
Go to [www.hivmodernizationmovement.org](http://www.hivmodernizationmovement.org) to join the listserv and learn how you can help to change Indiana laws!

**Facebook, Pinterest and Twitter**  
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[@hmmindiana](https://twitter.com/hmmindiana)

**For more information contact:**  
[hmm.indiana@gmail.com](mailto:hmm.indiana@gmail.com)

The complete Indiana Codes are here:  
[iga.in.gov/legislative/laws/2016/ic/](http://iga.in.gov/legislative/laws/2016/ic/)  
Several of these codes also unjustly apply to people living with Tuberculosis and some of the Hepatitis viruses.



### Brochure Sources

Centers for Disease Control (CDC)  
Center for HIV Law and Policy  
Prevention Access Campaign  
U.S. Department of Justice  
The SERO Project  
Lambda Legal



**HIV Modernization Movement**  
**INDIANA**

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### OUR MISSION

HMM is a diverse group of individuals who seek to modernize Indiana’s HIV criminal laws. Deeply outdated and lacking in scientific merit, these harmful laws criminalize and stigmatize Hoosiers living with HIV and are counterproductive to ending the HIV epidemic in Indiana.

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**Dr. Carrie Foote**

*Steering Committee Chair*

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## What is HIV Criminalization?

HIV criminalization is the unjust use of one's HIV positive status in a criminal prosecution, either under HIV-specific laws that apply to people living with HIV, OR under general criminal laws where charges or punishments are initiated or heightened solely because of the person's HIV status.

### HIV criminalization laws...

- Do **NOT** work as intended; not a single study has found them to be effective at reducing HIV transmission.
- Work **AGAINST** public health by punishing those who learn their HIV status, creating mistrust of health providers, and working against successful prevention programs like partner notification and public health messages emphasizing shared responsibility for safe sex.
- Do **NOT** align with current HIV science and reinforce inaccurate information about HIV.
- **INCREASE** stigma and discrimination, thus worsening the existing social stigma of an HIV diagnosis, which experts agree is one of the biggest obstacles to ending the HIV epidemic.
- **LEADS** to unjust prosecutions as they punish behavior that neither caused, nor intended to cause, any harm.
- Do **NOT** make sense for our justice system as we already have laws that punish harm.
- Are **COSTLY (\$)** to the state with no public health benefit.

## What are Indiana's Laws?

**IC 16-41-7 Communicable Disease: duty or authority to warn**

**IC 35-45-21-3 Failure of carriers of HIV/HBV to warn persons at risk**

- Requires people who know they have HIV to disclose their HIV status to people with whom they will engage, or have engaged, in sexual or needle sharing activities that can transmit HIV. Violating this law is a felony.



**IC 35-42-2-1(b2), (e), (g) Battery by bodily fluid**

**IC 35-45-16-2(a)-(f) Malicious Mischief by bodily fluid**

- These make it a heightened felony (sentence enhancement) for HIV positive persons to expose others to any bodily fluid (e.g., blood, spit, tears, urine), including those that do not transmit HIV, in either a rude, angry or malicious manner.



**IC 16-41-14-17 Donation, sale or transfer of semen with HIV**

**IC 35-45-21-1(b)-(c) Transferring semen or blood products with HIV**

- These make it a felony for HIV positive persons to donate or sell their semen, blood, or plasma despite the fact that the FDA screens the blood supply. There is also no risk of HIV transmission should a man with HIV seek fertility services involving his sperm.



### Indiana's HIV Laws that Criminalize HIV need **MODERNIZATION!**

Ensure that any prosecution based on exposure to a sexually transmitted disease, including but not limited to HIV, requires:

- Proof that the defendant (the person charged) **INTENDED** to do harm;
- Conduct that is scientifically shown to **RESULT** in that harm;
- **PROOF** that the conduct of the accused in fact resulted in that harm; and
- Punishment that is **PROPORTIONATE** to the actual harm the defendant caused.