HIV Criminalization Laws

No updates required since July 29, 2021

MAP relied 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

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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 The HIV criminalization laws were repealed by SB239 (2017, effective 1/1/18).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
- (-0.25) No HIV-criminalization law, but does have HIV-specific sentencing enhancements (additional penalties) for sex-related convictions
- See MASS. GEN. LAWS Ch 265 or 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
• (-0.5) HIV-criminalization law only (including general STI laws that enumerate HIV)
  • See N.J. STAT. ANN. § 2C: 34-5 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
- 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).

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)